

SIXTH REPORT

OF THE

REGISTRAR OF BOARDS OF CONCILIATION AND INVESTIGATION

OF THE PROCEEDINGS UNDER

THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907

BEING FOR THE

FISCAL YEAR ENDING MARCH 31, 1913

(Being an Appendix to the Annual Report of the Department of Labour for the
same period.)

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OTTAWA

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1913.

OTTAWA, June 20, 1913.

To the Honourable T. W. CROTHERS, B.A., K.C.,
Minister of Labour.

SIR,—I have the honour to submit a Report of Proceedings under the Industrial Disputes Investigation Act, 1907, for the fiscal year ended March 31, 1913.

F. A. ACLAND,
Registrar of Boards of Conciliation and Investigation.

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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

SIXTH ANNUAL REPORT OF PROCEEDINGS, BEING FOR THE FISCAL YEAR ENDING MARCH 31, 1913.

The operation of the Industrial Disputes Investigation Act during the year has proceeded on the usual lines, and with about the usual degree of activity. The present statement, which is presented as an appendix to the annual report of the Department, contains statistical summaries of proceedings for the fiscal year 1912-13; also for each fiscal year from the enactment of the Act in 1907. The report further contains, as required by the provisions of the statute, the text of each report received during the year from a Board of Conciliation and Investigation.

The department continues to receive numerous inquiries from outside Canada as to proceedings under the statute, and the report of the year's proceedings, as here set forth, is a compendium of information on the subject of which copies may be conveniently forwarded to enquirers.

During the year Sir George Askwith, K.C.B., K.C., Chief Industrial Commissioner of Great Britain, was commissioned by the British Government to visit Canada to enquire into the operation of the Act. Much interest was taken in Canada in Sir George Askwith's enquiry and his report to the British Government is made a part of the present publication.

For the convenience of those who receive the present report the text of the Industrial Disputes Investigation Act, 1907, and the amending Act of 1909-10, is printed in the final section.

REVIEW OF PROCEEDINGS UNDER THE STATUTE.

The Industrial Disputes Investigation Act of Canada became law on March 22, 1907. A review of the proceedings from the outset shows that during this period of six years there have been received 145 applications for the establishment of Boards of Conciliation and Investigation under the Act, as a result of which 127 Boards were established. In the eighteen cases remaining, the matters in dispute were adjusted by mutual agreement whilst steps for the establishment of Boards were pending, or the necessity for procedure disappeared. The total number of employees affected by these 145 disputes was 186,650. There were eighteen cases in which strikes were not either averted or ended through the instrumentality of the Act. Eleven of these eighteen strikes occurred in the mining industry, one in the operation of railways, five in railway offices, shops and yards, and one in the operation of a street railway. In 127 cases the matters in dispute were either settled by mutual agreement or the threatened interruption of work was otherwise averted.

Twenty-two applications under the Act were dealt with during the year ending March 31, 1913, resulting in the establishment of eighteen Boards. In the four remaining cases the matters in dispute were adjusted by mutual agreement whilst steps for the establishment of Boards of Conciliation and Investigation were pending. One of the twenty-two applications above mentioned was received prior to April 1, 1912, the procedure continuing for a month after that date. Correspondence also took place between the department and persons concerned in various disputes in which, however, the circumstances did not permit procedure under the Act.

The disputes referred under the Industrial Disputes Investigation Act during the past year involved questions of widely differing nature, including wages, hours, discriminations, suspensions, dismissals, the revision of existing agreements, union recognition, the check-off system of collecting union dues, rental of houses, breaches of agreement, and displacement of Canadian train crews by Americans.

The twenty-two disputes dealt with under the Act during the fiscal year 1912-13 were distributed among different industries as follows: Coal mining, one; metal mining, three; railways, nine; street railways, five; shipping, one; telephones, one; municipal service, one; street car manufacturing, one. The railways disputes affected the following divisions and subdivisions of railway work: Conductors, telegraphers, accountants, railway clerks, stenographers, draughtsmen, rod men, engineers, firemen, brakemen, machinists, boilermakers, blacksmiths, checkers, freight handlers, baggage-men, and porters. The number of employees concerned in the twenty-two applications received under the Act during the year was 51,596.

In connection with each of the twenty-two disputes above mentioned, sworn statements were furnished to the Minister of Labour to prove that, failing an adjustment of the differences or a reference of the same under the Industrial Disputes Investigation Act, a strike or lockout, as the case may be, would be declared.

There were four cases during the year in which strikes were not either averted or ended through the instrumentality of the Act, to which reference is made elsewhere in the present article. Two of these strikes occurred in metalliferous mines and two in the railway industry. Neither of these latter had, however, affected what are generally known as the operating services.

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Of the twenty-two disputes of 1912-13, all, with one exception, concerned mines and industries of the public utilities class, to which the law primarily applies. One dispute was referred under the Act by joint agreement of the parties concerned, as provided for in section 63 of the statute. This case related to a dispute between the Ottawa Car Company, of Ottawa, and its machinists, blacksmiths, and helpers, to the number of sixty-five, and was caused by the unwillingness of the company to grant to these trades a nine-hour day with the wages then being paid for ten-hour service. The Board was successful in concluding a signed agreement between the parties, effective for one year, and thereafter until terminated on sixty days' notice by either party.

QUESTION OF CONSTITUTIONALITY OF STATUTE.

In November, 1912, a judgment was delivered by Mr. Justice Lafontaine, of the Superior Court, Montreal, dismissing an application of the Montreal Street Railway Company for a prohibition order against the Board of Conciliation and Investigation which was established by the Minister of Labour in July, 1911, to enquire into a dispute between this company and certain of its employees. The company's application, which also called into question the constitutionality of the Industrial Disputes Investigation Act, was contested by counsel for the Dominion Government. Judgment was given, dismissing the application for a prohibition order and upholding the constitutionality of the statute. Later in the same month, notice was given of appeal by the Montreal Street Railway Company from the foregoing judgment to the Court of Review. The hearing of this appeal before the Court of Review was held on April 3, 1913, judgment being reserved. Judgment was given in June, 1913, sustaining the constitutionality of the statute, but sustaining the order of prohibition by reason of alleged technical defect in establishment of Board.

DISPUTE IN COAL MINING INDUSTRY.

The only coal mining dispute of the year referred under the Act was one affecting the mines of the Inverness Railway and Coal Company at Inverness, C.B. This difficulty grew out of the employees' demand for a five per cent reduction in the rental of certain houses owned by the company, and improved conditions therein, a fifteen per cent increase in wages, and the unwillingness of certain employees to countenance the deduction by the company from their wages of lodge dues to be paid to the Provincial Workmen's Association. An agreement was reached between the company and its employees and the threatened strike was averted.

RAILWAY DISPUTES.

A dispute between the Canadian Pacific Railway Company and its railway telegraphers, growing out of the demand of the latter for a wage increase of fifteen per cent, involved directly 1,800 employees scattered over the company's entire system, and was understood indirectly to affect 8,000 other employees. The Board favoured a ten per cent increase, which the company was willing to concede, but which the employees would not accept as a satisfactory adjustment. It being quite evident that a strike was imminent, the Minister of Labour placed himself in communication with the company's officers and the employees' general committee, and also visited Montreal for the purpose of inquiring personally into the dispute and lending his good offices to secure a peaceful settlement. An agreement was finally reached by negotiation, which was understood to provide for an increase of about twelve per cent over previously existing rates of wages, and the reduction of one hour in the employees' working day.

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In the spring of 1912 arrangements were made between the Canadian Northern Railway Company and the Midland Railway Company of Manitoba for a lease to the latter of running rights over the Canadian Northern Railway line between Winnipeg and Emerson. The object of this arrangement was to permit of the Great Northern and Northern Pacific Railway Companies, joint owners of the Midland, operating their own through trains between Winnipeg and St. Paul, Minnesota. Objection was made by the Canadian Northern Railway train service employees operating between Winnipeg and Emerson that this agreement would result in their being displaced by American train crews, and application was made to the Minister of Labour in the matter under the provisions of the Industrial Disputes Investigation Act, a Board of Conciliation and Investigation being accordingly established. As a result of ensuing negotiations between the Department of Labour and the Board of Railway Commissioners of Canada, an order was issued by the latter notifying the Canadian Northern and Midland Companies that as the running rights agreement referred to had not been submitted to the Board for approval under section 364 of the Railway Act, the same was accordingly in contravention of the Railway Act, and, further, that an order would issue imposing a penalty if the conditions of operation which existed prior to the agreement were not immediately restored, pending submission of the agreement to the Board for its approval. Whilst the Board of Conciliation and Investigation was in session in Winnipeg, a satisfactory settlement of the difficulty was reached by negotiation between the parties directly concerned.

STREET RAILWAY DISPUTES.

During the year disputes involving the operation of street railway systems occurred at Ottawa, Halifax, Quebec, Hull, Fort William and Port Arthur. The matters at issue in some cases were of a particularly difficult nature, having to do with wages, hours, and other conditions of employment, dismissals, and union recognition. Amicable agreements were concluded in each case, and the threatened strikes thereby averted.

In the case of the Ottawa Electric Railway the agreement provided for increases of the employees' wages and for the right of the employees to meet the company either individually or by committee for the discussion of any grievances or disputes that might arise.

In the case of the Halifax Electric Tramway Company an agreement was made providing for an increased scale of wages and assuring all employees an opportunity of presenting any complaints or grievances which might subsequently arise to the proper officials of the company with the further privilege of appeal, if necessary, to the company's Board of Directors.

In the case of the Quebec Railway, Light, Heat and Power Company the signed agreement provided for various increases in wages, the reinstatement of two dismissed employees, and further declared that though the company did not recognize the employees' union they had no objection to their belonging thereto.

In the case of the Hull Electric Railway Company an agreement was made for an increased scale of wages, the Board also recommending that the award should remain in force for two and a half years, and that all future disputes should be referred to arbitration.

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The street railway system of Port Arthur and Fort William is owned jointly by these municipalities. The dispute referred under the Industrial Disputes Investigation Act related to certain dismissals and alleged breach of agreement on the part of the management. The Board's report was accepted by the Board of Management. The employees, who did not accept the report, took no action looking to a strike until some months later, when, after the close of the fiscal year, a brief but serious strike occurred. This occurrence is not within the year's statistics.

TWO LONG STANDING DISPUTES ARRANGED.

Through the good offices of the Minister of Labour a conference was arranged in Montreal in December, 1912, which resulted in a settlement of the protracted strike of machinists and boilermakers on the Grand Trunk Pacific Railway lines in western Canada. This strike was declared on October 10, 1911, and was supported by the international organizations connected with these trades. It grew out of the employees' demand for a schedule of agreement, the establishment of minimum rates of wages, and a nine-hour day in the company's shops. The report of the Board of Conciliation and Investigation to which the differences were referred was generally favourable to the employees, but was not accepted by the company. Various communications were exchanged between the Minister of Labour and the parties concerned, in which the Minister expressed his desire for a settlement of the matters at issue. The agreement of December 13 provided for the strikers' reinstatement, for the right of presenting employees' grievances by committee, and for the establishment of specified rates of wages, with provision for a further meeting between the parties, in May or June of the present year, to arrange the terms of a more complete agreement and the settlement of any disputed points by award under the Industrial Disputes Investigation Act which the parties were not able to settle between themselves.

Another protracted dispute affecting the Grand Trunk Pacific Railway Company and its maintenance-of-way employees was settled in July, 1912, through the assistance of the Minister of Labour. This trouble grew out of the company's unwillingness to accept the findings of a Board of Conciliation and Investigation regarding the wages and rules to govern the employment of its maintenance-of-way employees. The Board report in this case was dated December 22, 1910. The schedule of agreement which was signed between the company and its employees in July, 1912, was substantially in accord with the Board's recommendations.

WHERE STRIKES WERE NOT AVERTED.

The four cases dealt with under the Industrial Disputes Act during the past year in which strikes were not averted were as follows:—

1. A dispute between the Canadian Northern Coal and Ore Dock Company, of Port Arthur, Ont., and its coal handlers, to the number of ninety. The matters in dispute related to an alleged breach of agreement by the company and to the employees' demand for increased wages and recognition of their union. The majority report of the Board was in favour of the company. The minority report of the nominee of the employees favoured the men. The majority report was not accepted by the employees. A number of the workmen involved in this dispute went on strike on July 29, and on the same evening a riot occurred near the coal docks, in which the

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chief of police of Port Arthur and several others were seriously injured. On request of the municipal authorities the militia were called out on the following day, but were withdrawn on the 31st. On August 5 an agreement was reached, providing for certain increases in pay and the reinstatement of former employees, by which the strike was terminated.

2. A dispute between the Britannia Mining and Smelting Company, of Britannia Beach, Howe Sound, B.C., and its employees, to the number of 300. The matters in dispute related to the employees' demand for recognition of their union and for improved conditions of employment. The majority report of the Board of Conciliation and Investigation in this case was generally favourable to the employees' demands. The same was accompanied by a minority report of the company's nominee, which held that the provisions of the Act did not apply in this case. The majority report was accepted by the employees, but was not accepted by the company. Mining operations were continued until February 18, 1913, when the alleged dismissal by the company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared, which had not been terminated at the end of the fiscal year.

3. A dispute between the McEnaney, McIntyre, Jupiter, Vipond and Plenaurum Mines Companies, of South Porcupine, Ontario, and their employees, to the number of 465. The dispute related to a proposed reduction in wages. The majority report of the Board of Conciliation and Investigation made certain recommendations for the settlement of the dispute, which were not, however, acceptable to the employees concerned. A strike was declared on November 15, which had not been terminated at the end of the fiscal year. Operations had, however, been resumed in a number of the mines concerned.

4. A dispute between the Canadian Pacific Railway Company and its freight handlers, freight clerks, checkers, and various other employees, members of the Canadian Brotherhood of Railroad Employees. The cause of the dispute was the refusal of the company to deal with the employees' organization or to consider an application for certain rules and rates of pay submitted through the brotherhood and later by a committee of employees; also, the dismissal of certain employees for refusing to withdraw from the brotherhood. This matter was first brought to the attention of the Minister of Labour in July, 1912. Direct negotiation between the parties subsequently, however, took place. The employees applied for a Board of Conciliation and Investigation in October, 1912. The application did not disclose circumstances in which the provisions of the Act could be properly invoked, and no Board was granted. On November 1, a strike of the employees concerned took place, and some time later the application for a Board was renewed and a Board was established on November 29, 1912, to deal with the matters in dispute on the Ottawa division, at Fort William, Port Arthur, and points east of Port Arthur, where special evidence was required on any special phase of the dispute. The Board findings, which favoured in part the contentions of the men, were accepted by the employees, but were not accepted by the company. The strike continued until February 3, when an agreement was reached and the employees resumed work.

STATISTICAL STATEMENTS.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

SUMMARY STATEMENT FOR THE SIX YEARS 1907-1913.

TABLE showing Proceedings under the Act from March 22, 1907, to March 31, 1913.

Industries affected.	No. of Disputes referred under Act.	No. of Strikes not averted or ended.
I. Disputes affecting Mines and Public Utilities:		
(1) Mines:		
(a) Coal.....	40	6
(b) Metal.....	11	5
Total, Mines.....	51	11
(2) Transportation and Communication:		
(a) Railways.....	61	6
(b) Street railways.....	13	1
(c) Shipping.....	7	0
(d) Commercial telegraphers.....	2	0
(e) Telephone workers.....	2	0
Total, Transportation and Communication.....	85	7
(3) Civic Employees.....	4	0
Total, Mines and Public Utilities.....	140	18
II. Disputes affecting other than mines and public utilities.....	5	0
Total, all classes.....	145	18

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

SUMMARY STATEMENT FOR FISCAL YEAR 1912-13.

TABLE showing Proceedings under the Act from April 1, 1912, to March 31, 1913.

Industries affected.	No. of Disputes referred under Act.	No. of Strikes not averted or ended.
I. Disputes affecting Mines and Public Utilities:		
(1) Mines:		
(a) Coal.....	1	0
(b) Metal.....	3	2
Total, Mines.....	4	2
(2) Transportation and Communication:		
(a) Railways.....	9	2
(b) Street railways.....	5	0
(c) Shipping.....	1	0
(c) Telephone workers.....	1	0
Total, transportation and communication.....	16	2
(3) Civic Employees.....	1	0
Total, mines and public utilities.....	21	4
II. Disputes affecting other than mines and public utilities.....	1	0
Total, all classes.....	22	4

The proceedings under the Act during this year include one case in which certain proceedings had taken place during the preceding year, viz., a dispute between the Canadian Pacific Railway Company and its freight handlers and freight clerks at Winnipeg, Man.

At the close of the fiscal year results were still pending in connection with three applications, viz., (1) application made on behalf of certain employees of the Canadian Northern Railway Company; (2) application made on behalf of certain employees of the Corporation of the City of Vancouver; and (3) application made on behalf of certain employees of the Canadian Pacific Railway Company on the Alberta Division of that Railway.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1912-1913.

STATEMENT of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from April 1, 1912 to March 31, 1913.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC SERVICE UTILITIES.

- 1. Appointed by the Minister, under Section 8, Sub-section 1, of the I. D. I. Act, on recommendation from party concerned.
- 2. Appointed by the Minister, under Section 8, Sub-section 2, of the I. D. I. Act, in the absence of a recommendation from party concerned.
- 3. Appointed by the Minister, under Section 8, Sub-section 3, of the I. D. I. Act, on the joint recommendation of the two members first appointed.
- 4. Appointed by the Minister, under Section 8, Sub-section 4, of the I. D. I. Act, in the absence of a joint recommendation by the two members first appointed

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted	Date of receipt of Report of Board.	Result of Reference.
1912. June 4....	Inverness Railway and Coal Co. and coal miners in its employ.	Employees.	Inverness, N. S.	500.....	Concerning wages, conditions of employment, and retention of dues for the Provincial Workmen's Association.	Finlay MacDon-ald, (c) ⁴ ; Major W. Ernest Thompson (E) ¹ ; James Cameron Watters (M) ¹	Aug. 21.	Oct. 9.	A unanimous report was presented by the Board, in which it was stated that an agreement had been reached by the parties concerned.

2. METAL MINES.

July 3....	Britannia Mining and Smelting Co. and employees, members of Britannia Miners' Union.	Employees.	Britannia Mines, B. C.	300....	Concerning wages, conditions of employment, and recognition of union.	Jas. A. Harvey, K.C. (c) ⁴ ; W. Ernest Burns (E) ¹ ; George Heather-ton (M) ¹ .	Aug. 6..	Sept. 16	Report of Board was accompanied by a minority report signed by Mr. Burns. The employees concerned accepted the award of the majority of the Board, but the company declined to do so. Mining operations were continued until February 18, when the alleged dismissal by the company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared which had not been terminated at the end of the fiscal year.
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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1912-1913—Continued.

I.—MINING AND SMELTING INDUSTRY—Continued

2. METAL MINES—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
* July 20..	McEaney Mines, Ltd. and employees, members of Porcupine Miners' Union No. 145, W.F.M.	Employees.	Porcupine, Ont.	40 dir.... 1,000 indir.	Concerning proposed reduction in wages	Peter McDonald, (C) ⁴ ; H. E. T. Haultain (E) ¹ ; Wm. C. Thompson (M) ¹	Aug. 23.	Nov. 7 Oct. 21.	Report of Board was accompanied by a minority report signed by Mr. Thompson. The majority report was not acceptable to the employees concerned, and on November 15 a strike was declared, which had not been terminated at the end of the fiscal year. Operations had, however, been resumed in a number of the mines concerned.
* July 26..	McIntyre - Porcupine Mines, Ltd., Jupiter Mines, Ltd., Vipond Porcupine Mines, Ltd., and Plenaum Mines, Ltd., and employees, members of Porcupine Miners' Union No. 145, W.F.M.	Employees.	Porcupine, Ont.	225 dir.... 1000 indir.	Concerning proposed reduction in wages				
† Nov. 30.	Fort Steele Mining and Smelting Co. and employees, members of Kimberley Miners' Union No. 100, W.F.M.	Employees.	Kimberley, B.C.	140	Concerning wages...				
† Dec. 3..	Standard Silver Lead Mining Co., Ltd., Van Rai Mines, Ltd. Silverton Mines United, and employees, members of Silverton Miners' Union No. 95, W.F.M.	Employees.	Silverton, B.C.	325 dir.... 50 indir.	Concerning wages...				

†Dec. 3	Queens Mines, Inc., and employees, members of Ymir Miners' Union No. 85, W.F.M.	Employees.	Sheep Creek, B.C.	45 dir.... 200 indir	Concerning wages....	W. S. Bullock Webster (C) ³ . Chas. R. Hamilton (E) ¹ . J. N. Bennett (M) ¹	Dec. 21.	Feb. 4 Jan. 27	Report of Board was accompanied by a minority report signed by Mr. Bennett. The majority report of the Board found against the demands of the employees. No cessation of work occurred.
†Dec. 9...	Lucky Jim Zinc Mine, Ltd., Rambler Cariboo Mines, Surprise Mine, Hope Mine, Noble Five Mines, Richmond Eureka Mines and Idaho-Alamo Mines, and employees, members of Sandon Miners' Union No. 81. W.F.M.	Employees.	West Kootenay, B.C.	210 dir.... 90 indir.	Concerning wages....				
†Dec. 10.	Blue Bell Mine, No. 1 Mine, Highland Mine, Hope Mine, Silver Horde Mine, Molly Gibson Mine, Eureka Mine, Poor-man Mine, and employees, members of Nelson Miners' Union No. 96, W. F.M.	Employees.	Nelson, B.C.	300.....	Concerning wages....				

II.—TRANSPORTATION AND COMMUNICATION

1. RAILWAYS

1912 Mar. 11..	Canadian Pacific Ry. Co., and freight handlers and clerks, members of Winnipeg Division No.177, Brotherhood of Railroad Freight Handlers and Railway Clerks.	Employees.	Winnipeg, Man.	220 dir.... 230 indir.	Concerning alleged discrimination by company against members of the union and dismissals.	Hon. Mr. Justice H.A. Robson (C) ¹ Chas. P. Fullerton (E) ² . Thos. J. Murray (M) ¹ .	April 3.	May 3..	A unanimous report was presented by the Board, in which it was stated that the company had re-employed all the employees who wished to return to work.
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*The two applications here recorded are regarded as one in the tabular statement.
†The five applications here recorded are regarded as one in the tabular statement.

II.—TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1912 April 29.	Canadian Ry. Co. and Train Service Organizations.	Northern Employees.	C.N.R. lines.	2,000	Concerning the proposed displacement of train crews of the Canadian Northern Ry. by the Midland Ry. Co., which had acquired running rights over the Canadian Northern line from Winnipeg to Emerson.	R. Max Densimon (e) ¹ . L. L. Peltier (m) ¹ .			Pending the final constitution of the Board a satisfactory arrangement was arrived at by the parties concerned.
May 8.	Canadian Coal and Ore Dock Co., Ltd., and coal handlers, most of whom were members of Coal Handlers' Local No. 319	Northern Employees	Port Arthur, Ont.	90	Concerning alleged breach of agreement by company, also concerning wages, recognition of union, and demand for yearly conference between company and employees.	His Honour Judge John McKay (c) ⁴ George F. Horri- gan (e) ¹ . Frederick Urry (m) ¹ .	May 22.	July 19 July 22	Report of Board was accompanied by a minority report signed by Mr. Urry. The majority report of the Board was in favour of the company. The employees refused to accept same and declared a strike on July 29 which continued until August 5, when an agreement was reached which provided for certain increases in pay and the reinstatement of certain former employees.
June 28.	Canadian Pacific Ry. Co., and employees in station and telegraph service, members of the Order of Railroad Telegraphers.	Employees	C.P.R. system.	1,800 dir., 8,000 indir.	Concerning wages and amendment of conditions of service.	Peter McDonald (c) ¹ . J. E. Duval (e) ¹ . J. G. O'Donoghue (m) ¹ .	July 22 Sept. 6	Sept. 4	Report of Board was accompanied by a minority report signed by Mr. J. G. O'Donoghue. The majority report was accepted by the company but was not accepted by the employees concerned. As a result of further conferences between the parties an agreement was reached effective, regarding wages from August 1, 1912, and hours, overtime rates and other charges from October 1, 1912. The threatened strike was thereby avoided.

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Nov. 21.	Canadian Pacific Ry. Co., and freight handlers, etc., members of the Canadian Brotherhood of Railroad Employees.	Employees.	Ottawa Division of the C. P. R. of Port Arthur and Fort William.	Di-1,300 dir. of 15,000 in dir.	Concerning alleged unfair dismissal and refusal of company to negotiate with employees respecting schedule of rules and rates of pay.	His Honour Judge D. McGibbon (C) ¹ . J.E. Duval (E) ¹ . J.A. McDonald, (M) ¹ .	Nov. 28/Dec. 11.	Report of Board was accompanied by a minority report signed by Mr. Duval. Prior to the date of the application the employees had gone on strike and remained out from November 1 until February 3, when the department was informed that an agreement had been reached by the parties concerned and the employees had accordingly resumed work.
Dec. 9.	Intercolonial Ry. of Canada and locomotive engineers, members of the Brotherhood of Locomotive Engineers.	Employees.	U.C. R. lines.	8 dir. 350 indir.	Concerning employees' demand for reinstatement of certain employees and for payment for time lost to these and to others who had been suspended.			Proceedings under Act were stayed pending further negotiations between the Government Railways Managing Board and the Brotherhood of Locomotive Engineers, which had not been finally concluded at the end of the fiscal year.
1913 Jan. 31.	Intercolonial and Prince Edward Island Railways, and certain employees, members of the Inter-Machinists, Inter-Association of Blacksmiths and Helpers, Brotherhood of Railway Carmen of America, Inter-Association of Boilermakers, and Inter-Association of Boilermakers' Helpers.	Employees.	I.C. and P. E.I. Railway lines.	1,500	Concerning employees' demand for revision of schedules and for an eight hour day.			Proceedings under Act were stayed pending negotiations between the Minister of Railways and Canals and a committee of the employees concerned, which resulted in a settlement of the matters in dispute.
Mar. 11.	Canadian Northern Ry. Co. and certain employees, members of the Order of Railway Conductors.	Employees.	C. N. R. lines	450 dir. 2,200 indir	Concerning employees' demands for various changes in existing schedule, including wages, hours and working conditions	Hon. Mr. Justice A. Haggart (C) ² . Win. Cross (E) ¹ . J. Harvey Hall (M) ¹ .	Mar. 29.	Proceedings unfinished.
Mar. 31.	Canadian Pacific Ry. Co. and certain employees, members of the Brotherhood of Locomotive Firemen and engineers.	Employees.	Alberta Division C.P.R.	Di-2,659 dir. of 7,000 indir	Concerning alleged breach of agreement by company.			Proceedings unfinished.

II.—TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1912 May 9....	Ottawa Electric Ry. Co. and employees, members of Division No. 279, Amalgamated Association of Street and Electric Ry. Employees of America.	Employees.	Ottawa, Ont	425.....	Concerning refusal of company to accept terms proposed by the employees providing for increased wages shorter hours and improved working conditions.	Hon. Mr. Justice J. M. McDougall (C) ⁴ . Travers Lewis, K. C. (E) ¹ . P. M. Draper (M) ¹ .	May 18	June 13	A unanimous report was presented by the Board making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
July 18....	Halifax Electric Tramway Co. and employees, members of Division No. 508, Amalgamated Association of Street and Electric Ry. Employees of America.	Employees.	Halifax, N.S.	125 dir. 50 indir.	Concerning wages and conditions of employment as set forth in schedule submitted.	Hon. Mr. Justice W. B. Wallace (C) ³ . George S. Campbell (E) ¹ . John T. Joy (M) ¹ .	Aug. 1.	Aug. 22	A unanimous report was presented by the Board embodying the terms of an agreement which had been arrived at by the parties concerned.
Aug. 29....	Quebec Railway, Light, Heat and Power Co. and street railway employees, members of Fraternité Nationale No. 1, Employés de Tramway.	Employees.	Quebec, Que.	231 dir. 30 indir.	Concerning wages, recognition of union and reinstatement of certain employees.	Hon. Mr. Justice C. E. Dorion (C) ³ . J. L. Perron (E) ¹ . J. P. N. Simard (M) ¹ .	Sept. 25	Dec. 12.	A unanimous report was presented by the Board, embodying an agreement signed by both parties concerned.

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Sept. 18.	Hull Electric Ry. Co. Employees. Co. and employees, members of Division No. 591, Amalgamated Association of Street & Electric Railway Employees of America.	Hull, Que....	63 dir..... 74 indir.	Concerning wages and conditions of employment.	Peter McDonald Oct. 1. (c) ¹ . George D. Kelly (E) ¹ . George C. Wright (M) ¹ .	Nov. 2. A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
Sept. 25.	Cities of Port Arthur and Port William and employees in street railway service.	Port Arthur and Port William, Ont.	72 dir..... Most of industrial workers in the two cities, indir.	Concerning alleged breach of agreement and alleged unsatisfactory investigation of charges.	George H. Rapsey Oct. 7. (c) ³ . Wm. P. Cooke (E) ¹ . Frederick Urry (M) ¹ .	Dec. 16. The report was signed by all three members of the Board, Mr. Urry, however, dissenting in one particular. At a meeting of the Joint Board of Management a resolution was adopted accepting the findings of the Board.

3. SHIPPING.

1912. Sept. 11.	Certain Steamship Companies doing business at the port of Halifax, viz.: Pickford and Black, Furness-Withy Co., Ltd., A. S. De Wolfe and Son, Canada Atlantic and Plant S.S. Co., Cunard Co., Royal Steamship Co., and employees, members of Halifax Longshoremen's Association.	Halifax, N.S.	500.....	Concerning wages...	His Honour Judge W. B. Wallace Sept. 21. (c) ³ . George A. McKenzie (E) ¹ . Arthur M. Hoare (M) ¹ .	Oct. 15. A unanimous report was presented by the Board, in which it was stated that an agreement had been arrived at by both parties concerned, effective from October 15, 1912, to December 31, 1913.
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4. TELEPHONES.

Mar. 17.	British Columbia Telephone Co. and employees, members of Local Union No. 213 Inter. Brotherhood of Electrical Workers	British Columbia Telephone Co.	320.....	Concerning wages and conditions of employment		Through the good offices of the department, conferences were arranged between the officials of the company and a committee of the men who had ceased work on March 14. These conferences resulted in a settlement of the main points at issue. The men returned to work on March 24.
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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1912-1913.—Continued.

III.—MUNICIPAL PUBLIC UTILITIES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (a) Chairman; (b) Employer; (c) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1912 Mar. 14	Corporation of the City of Vancouver and certain employees, being scavengers, waterworks employees, and maintenance and construction men, members of Civic Employees' Union and Local of Inter. Union of Hodcarriers Building and Common Labourer.	the Employees.	Vancouver, B.C.	1,200 dir. 1,200 indir.	Concerning wages of waterworks men, also alleged discrimination against union men.	H. O. Alexander (C), George E. McCrossan (M).			At the close of the fiscal year the Board had not been constituted by the appointment of a chairman.

B—INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.

1913. Jan. 9	Ottawa Car Co., Ltd., and machinists, and blacksmiths and helpers, members of Lodge No. 412, Inter. Association of Machinists and Lodge No. 446, Inter. Brotherhood of Blacksmiths and helpers.	Employees	Ottawa, Ont	69	Concerning wages and hours.	Hannett (C), P. Hill (Jan. 11), George F. Henderson (M), James Cameron Watters (M).	Jan. 17		A unanimous report was presented by the Board, embodying an agreement signed by both parties to the dispute, effective for one year from January 17, 1913.
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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1911-1912.

STATEMENTS of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from April 1, 1911, to March 31, 1912.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

1. Appointed by the Minister under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.

2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.

3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.

4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1911. April 13.	Western Coal Operators' Association and employees, members of District No. 18, United Mine Workers of America.	Employees.	Eastern British Columbia and Southern Alberta.	6,000 direct and indefinite number.	Concerning making of new agreement.	Rev. C. W. Gordon, D.D. (C) Colin Macleod (E) A. J. Carter (M).	April 21.	July 10. July 11.	The employees concerned in this dispute ceased work on March 31, 1911, on the termination of a two years' agreement with the employing companies. A Board was established by request of the employees on April 18. The Board's report was accompanied by a minority report by Mr. Carter. The operators signified their willingness to negotiate an agreement along the general lines suggested by the Board in its majority report; the employees, on the other hand, accepting the minority report of Mr. Carter. The majority of the mines remained closed down until the middle of November, when a new agreement was signed by the parties concerned, effective to March 31, 1915.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1911-1912—Continued.

1.—MINING AND SMELTING INDUSTRY—Continued.

1. COAL MINES—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1911 Oct. 23...	Alberta Coal Mining Co. Ltd., and employees.	Employer...	Cardiff, Alta.	80	Concerning wages and conditions of employment.	J. Norman Fraser (C) ¹ . O. Hannah (E) ¹ . Clement Stubbs (M) ¹	Nov. 27	Dec. 12.	Report was signed by all three members of the Board, with slight objections noted by MM. Hannah and Stubbs. After the award of the Board had been communicated to both parties concerned there was a cessation of work for a few days. The department was later informed that a settlement had been reached on the basis of the Board's findings, and work resumed.

2. METAL MINES.

1911 May 25...	Hudson Bay Mining Co., Ltd., and employees, members Gowganda Miners' Union No. 154, W. F.M.	Employees.	Gowganda, Ont.	30.	Concerning reduction in wages.	George Ritchie, K.C., (C) ⁴ . Prof. John Sharp (E). Duncan J. McDonnell, (M) ¹ .	June 9.	July 10	Report of Board was accompanied by minority report signed by Mr. McDonnell. The employees, being unwilling to accept the Board report, declared a strike of which no formal settlement was reported. Operations were resumed in the company's mine at the end of July.
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II.—TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1911 May 11...	Michigan Central Ry. Employees. Co., and sectionmen.	St. Thomas (Ont.)	1,200 to 1,400	Concerning proposed reduction in wages	The employees concerned in this dispute ceased work on May 1, on account of a proposed reduction in their rate of pay. Application was later made by the employees for the establishment of a Board. Whilst communications were passing between the department and the employees an officer of the department proceeded to St. Thomas at the Minister's request, for the purpose of conferring with the parties concerned. As a result the company restored the scale of wages which had existed prior to May 1, 1911, and announced its willingness to re-engage those who had ceased work.
May 17 ..	Canadian Northern Coal and Ore Dock Co., Ltd., and employees, members of Coal Handlers' Union No. 319.	Port Arthur (Ont.)	150 dir.... 200 indir.	Concerning wages and conditions of employment.	His Honour Judge John McKay (c) George F. Horri- gan, (E) ¹ . Andrew Boyd (M) ¹	June 2 .. June 19.	A unanimous report was presented by the Board in which it was stated that a settlement had been effected of all points at issue, an agreement effective from May 1, 1911, to April 30, 1912, having been signed by both parties.
May 17..	Quebec and Lake St. John Ry. Co., and car men, members of the Brotherhood of Railway Car men of America.	Quebec, (Que.)	80 dir.... 15 indir.	Concerning wages and conditions of employment.	.....	.....	Whilst proceedings looking to the establishment of a Board were in progress, the department was informed that a settlement had been reached on the various points at issue.
July 18.	Grand Trunk Ry. Co., Employees and Machinists, members of the International Association of Machinists.	G.T.R. Sys- tem.	2,000 dir.... 6,000 indir.	Concerning demand for a new schedule of rules and rates of pay.	Hon. Mr. Justice J. V. Teetzel (c) ³ . Hon. Wallace Nesbitt, K.C. (E) ¹ . J. G. O'Donoghue (M) ¹ .	Oct. 11. Oct. 23.	Report was signed by all three members of the Board, Mr. O'Donoghue, however, dissenting in certain particulars. Department was informed that the findings of the Board were not acceptable to the employees concerned. No cessation of work, however, occurred.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS—1911-12.—*Continued.*II.—TRANSPORTATION AND COMMUNICATION—*Continued.*1. RAILWAYS—*Continued.*

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (a) Chairman; (b) Employer; (c) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1911 July 31.	Grand Trunk Pacific Ry. Co., and Machinists, members of the Inter. Association of Machinists.	Employees.	G.T.P. Ry. System.	150	Concerning wages, and hours, and conditions of employment; also demand for schedule.	Dr. J. W. Sparling (C) ¹ , Rev. J. L. Gordont (E) ² , Thos. J. Murray (M) ¹ .	Oct. 28		A unanimous report was presented by the Board which was favourable to the employees concerned and was accepted on their behalf. The company, in a letter dated November 2, declined to accept the Board's findings. On October 6, the company's shops at Edmonton and Rivers were closed down, and the employees concerned declared a strike on October 10, which continued until December 13, 1912, when an agreement was reached by the parties concerned.*
Aug. 8	Grand Trunk Pacific Ry. Co., and boiler-makers, members of the Inter. Brotherhood of Ship Builders and Boiler-makers, Iron Helpers of America.	Employees.	G.T.P. Sys-tem.	150.	Concerning wages, hours and conditions of employment; also demand for schedule.				
Sept. 11	Canadian Pacific Ry. Co., and various employees, members of the Canadian Brotherhood of Railroad Employees.	Employees.	Calgary and Medicine Hat, Alta.	6,500 direct, 6,500 indirect.	Concerning alleged discrimination against members of union.	John Anthony McDonald (M) ¹ .			Proceedings discontinued.
Nov. 14.	Quebec Central Ry. Co., and telegraph and station employees, members of the Order of Railroad Telegraphers.	Employees.	Quebec Central Ry. lines.	70.	Concerning demand for a new schedule of rules and rates of pay.				Pending establishment of Board, a settlement was reached.

Dec. 12.	Michigan Central Ry. Co., and station agents, telegraph and telephone operators, and tower men, members of the Order of Railroad Telegraphers.	Employees.	M.C. R. lines in Canada.	115 dir.... 3,000 indir.	Concerning demand for the adoption of certain amendments to the existing schedule.	Peter (c) ⁴ . J. E. Duval (E) ¹ . J. G. O'Donoghue (M) ¹ .	McDonald Jan. 17. Mar. 12	Report of Board was accompanied by a minority report signed by Mr. Duval. As a result of the enquiry the company granted an increase of wages and made certain modifications in its rules governing the employment of its station agents, telegraphers, etc. No cessation of work occurred.
Dec. 29.	Pere Marquette Ry. Co., and maintenance of way employees and pump men, members of the Inter-Brotherhood of Maintenance-of-Way	Employees.	Buffalo Division of the Pere Marquette Ry.	140.....	Concerning wages, hours, and demand for a set of rules governing both the foregoing	Hon. Chief Justice Sir Falconbridge (c) ³ . Hon. Wallace Nesbitt, K.C. (E) ¹ . J. G. O'Donoghue (M) ¹ .	Jan. 20. Feb. 19..	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
1912 Mar. 11.	Canadian Pacific Ry. Co., and railroad freight handlers and railway clerks, members of Winnipeg Division, No. 177, Brotherhood of Railroad Freight Handlers, and Railway Clerks.	Employees.	Winnipeg, Man.	220 dir.... 230 indir.	Concerning alleged discrimination by company against members of the union.	Chas. P. Fullerton (E) ² . Thos. J. Murray (M) ¹.	.....	At the close of the fiscal year the Board had not been completed by the appointment of a chairman.

2. STREET RAILWAYS.

1911 June 19.	Montreal Street Ry. Co., and employees, members of the Amalgamated Association of Street and Electric Railway Employees of America No. 328.	Employees.	Montreal, Que.	30 dir.... 1,970 indir.	Concerning dismissal of certain employees and alleged discrimination against them as members of union.	Hon. Justice Thos. Fortin (c) ¹ . J. L. Perron, K.C. (E) ¹ . Charlemagne Rodier (M) ¹ .	Aug. 11.	Board restrained from proceeding by order of court pending determination of an application by the company to the Superior Court for a writ of injunction, declaring the Industrial Disputes Investigation Act to be ultra vires.
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* The two applications here recorded are regarded as one in the tabular statement.

† Honourable Wallace Nesbitt, K.C., was at first appointed a member of the Board, but, being unable to act, withdrew on October 5.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1911-12.—Continued

II.—TRANSPORTATION AND COMMUNICATION—Continued.

3. COMMERCIAL TELEGRAPHY

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Result of Reference.
1911 Mar. 3....	Great North Western Telegraph Co., of Canada, and telegraphers, members of the Commercial Telegraphers' Union of America.	Employees	All offices operated by the G. N.W. Telegraph Co. of Canada	200 dir.... 1,100 indir.	Concerning wages and conditions of employment; also alleged discrimination against members of the union.	Hon. Mr. Justice J. V. Teetzel (c); Frederick H. Mackay (e); D. Campbell (m).	Mar. 30 July 17.	Report of Board was signed by all three members, Mr. Mackay and Mr. Campbell, however, each attaching an oral point. The findings of the Board were approved by both parties concerned.

4. TELEPHONES.

Sept. 6.	British Columbia Telephone Co., and employees, members of Local Union 213 Inter. Brotherhood of Electrical Workers.	Employees	Lines of the B.C. Telephone Co.	220....	Concerning wages and company's attitude toward union men.	John H. Soukler (c); K. J. ... (e); William M. Parker (m); Chas. Partridge (m).	Oct. 6	Report of Board was submitted by a majority report signed by Mr. Parker. The disagreement was then referred to the arbitrator on the acceptance by either party of the Board's findings. No question of work, however, was raised.
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III.—MUNICIPAL PUBLIC UTILITIES.

May 27....	Cities of Port Arthur and Port William, Ont., and electrical workers, members of Inter. Brotherhood of Electrical Workers of America, Local Union No. 339.	Employees	Port Arthur and Port William, Ont.	32 dir.... 66 indir.	Concerning wages and hours.	Rev. S. C. Murray (c); D. D. (e); J. Dix Fraser (e); C. W. Foster (m).	June 8	A unanimous report was presented by the Board in which it was stated that an agreement had been signed by both cities and their electrical workers, the agreement being effective for one year, from June 1, 1911.
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May 29...	City of Edmonton, Alta., and electrical workers, members of Inter. Brotherhood of Electrical Workers of America, Local Union No. 544.	Employees.	Edmonton, Alta.	35.....	Concerning wages and conditions of employment.	Hon. Mr. Justice H. C. Taylor (C) ³ . Arthur W. Ormsby (E) ¹ . W. Symonds (M) ¹ .	June 9..July 5...	A unanimous report was presented by the Board in which it was stated that a schedule of wages and a set of rules for each department had been drawn up and accepted by both parties to the dispute, effective from July 1, 1911, to May 1, 1913.
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B.—INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

April 3...	John Ritchie Co., Ltd. William A. Marsh Co., Ltd., Gale Bros and J. M. Stobo, boot and shoe manufacturers, Quebec, and employees.	Employees.	Quebec, Que.	68 dir..... 875 indir.	Concerning wages...	Dr. G. W. Jolicoeur (C) ³ . Felix Marois (E) ¹ . Joseph Alphonse Langlois (M) ¹ .	April 24.June 26..	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute. It was understood that the Board's findings were accepted by the parties concerned.
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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1910-11
STATEMENTS of Boards of Conciliation and Investigation and of Proceedings thereunder from April 1,
1910 to March 31, 1911.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC SERVICE UTILITIES.

- 1. Appointed by the Minister, under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.
- 2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.
- 3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.
- 4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to Dispute.	Party making application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1910 Jan. 5.	Alberta Coal Mining Co. and employees.	Employer	Cardiff, Alta.	35 dir. 25 indir.	Concerning wages and conditions of employment.	R. G. Duggan (c) ³ J. O. Hannah (e) ¹ Clement Stubbs (m) ¹ .	Jan. 17.	Apr. 2	A unanimous report was presented by the Board making certain recommendations for the settlement of the dispute, which were understood to have been accepted by both parties concerned, a strike being thereby averted.
Apr. 18.	Canadian-American Coal and Coke Co., and employees, members of Frank Local No. 1263, U.M.W.A.	Employer	Frank, Alta.	262	Concerning making of new agreement, and recognition of U.M.W.A.	I. S. G. VanWart (c) ⁴ Colin MacLeod (e) ¹ Clement Stubbs (m) ¹ .	Apr. 29.	June 4	Settlement arrived at by chairman without Board being formally convened; settlement effective to March 31, 1911.
Oct. 26.	Crowsnest Pass Coal Co., Ltd., and employees, members of District No. 18, U.M.W.A.	Employees	Fernie, B.C.	3,000	Concerning alleged breach of agreement, and increased charge for special train.	I. S. G. VanWart (c) ⁴ W. S. Lane (e) ¹ Clement Stubbs (m) ¹ .	Nov. 18.	Feb. 18.	Board effected settlement which was understood to be acceptable to both parties concerned, a strike being thereby averted.

1911 Jan. 16...	North Atlantic Col- liers Co., Ltd., and employees, members of Local Union, No. 2173, District No. 26, U.M.W.A.	Employees. Port Morien N.S.	110 dir. 150 indir.	(Concerning reduc- tion in wages and conditions of em- ployment.	Prof. Robt. Magill (c) ⁴ . Duncan G. Mac- Donald (E) ² . Alexander Mc- Kinnon (M) ¹ .	Mar. 23.	During proceedings for establishment of Board, company went into liquidation and mines were accord- ingly closed down.
Jan. 7...	The Wetlaufer Silver Mining Co., Ltd., and certain employees.	Employees. South rain, Ont.	35 dir. 30 indir.	(Concerning reduc- tion in wages.	George Ritchie (c) ⁴ . R. F. Taylor (E) ¹ . Chas. H. Low- thian (M) ¹ .	Feb. 28.	A unanimous report was presented by the Board making certain recom- mendations for settlement of dis- pute. No cessation of work oc- curred.

II.—TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1910 Mar. 17...	Toronto, Hamilton and Buffalo Ry. Co., and its conductors, bag- gage-men, brakemen and yardmen.	Employees. All lines of T. H. & B. Ry.	101.....	(Concerning employ- ees' demand for in- creased compensa- tion and improved conditions.	J. E. Atkinson (c) ⁴ . F. H. McGuigan (E) ¹ . J. G. O'Donoghue, (M) ¹ .	April 6.	Agreement was reached between parties concerned without Board having been convened. The terms of settlement of this dispute were understood to correspond closely to the terms of settlement of a similar dispute between the C.P.R. and its employees in train and yard service.
Mar. 17...	Canadian Pacific Ry. Co., and its conduc- tors, baggage-men, brakemen and yard- men.	Employees. All lines of C.P. Ry.	4,360.....	(Concerning employ- ees' demand for in- creased compensa- tion and improved conditions.	J. E. Atkinson (c) ⁴ . Wallace Nesbitt (E) ¹ . J. G. O'Donoghue (M) ¹ .	Mar. 31, June 22.	Report of Board was accompanied by a minority report signed by Mr. J. G. O'Donoghue, member appoint- ed on the recommendation of the employees. Upon receipt of these reports negotiations were resumed between the company and the employees concerned, which result- ed, on July 21, in an agreement to continue in force until terminated by thirty days' notice in writing. The agreement was understood to be in some respects similar to, but in other particulars different from, the terms of settlement proposed by the Board, and was said to correspond closely both in respect of rates of wages and rules to standard rates and rules existing on a number of the principal rail- way systems in the Eastern States.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1910-11—*Continued.*II.—TRANSPORTATION AND COMMUNICATION—*Continued.*1.—RAILWAYS—*Continued.*

Date of receipt of application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1910 Mar. 17.	Grand Trunk Ry. Co. and its conductors, baggagemen, brakemen and yardmen.	Employees.	All lines of G.T.R. system.	3,017.	Concerning employees' demand for increased compensation and improved conditions.	J. E. Atkinson (c) ⁴ Wallace Nesbitt (e) ¹ J. G. O'Donoghue (m) ¹ .	Apr. 6.	June 22	Report of Board was accompanied by a minority report signed by Mr. Wallace Nesbitt, K.C., member appointed on the recommendation of the company. Upon receipt of these reports negotiations were resumed between the company and the employees concerned for settlement of the differences in question. These negotiations were continued up till July 18, when a strike was declared of the employees concerned. Strike continued up till August 2, when it was announced that a settlement had been arrived at through Government intervention, the strike being declared off.
Mar. 19.	Grand Trunk Pacific Ry. Co. and telegraph and station employees.	Employees.	G.T.P. lines	75.	Concerning rules and rates of pay.	His Honour Judge D. McGibbon (c) ³ Donald Ross (e) ² W. T. J. Lee (m) ¹ .	Apr. 22.	July 7.	A unanimous report was presented by the Board, which made certain recommendations for the settlement of the dispute. No cessation of work occurred.
Mar. 22.	Dominion Atlantic Ry. Co. and employees.	Employees.	Kentville, N.S.	4 dir. 25 indir.	Concerning terms of employment and dismissal of certain employees.	Honourable John N. Armstrong (c) ⁴ McCallum Grant (e). A. R. Mosher (m) ¹ .	Apr. 29.	May 12.	Report of Board was accompanied by a minority report signed by Mr. Aaron A. R. Mosher, member appointed on behalf of the employees which was accepted by them. The department was informed by the company that there would be no discrimination on its part between union and non union men. No cessation of work occurred.

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May 2.....	Canadian Northern Ry. Co. and its blacksmiths, members of Blacksmiths' Railway Union, No. 147.	Employees.	Winnipeg, Man.	30.....	Concerning demand for new working agreement, increased wages and shorter hours.	No Board established, settlement having been arrived at between the parties concerned.
May 2.....	Canadian Northern Ry. Co. and its blacksmiths' helpers members of Blacksmiths' Helpers Lodge No. 335.	Employees.	Winnipeg, Man.	Between 30 and 40	Concerning demand for new working agreement, increased wages and shorter hours.	.....	.....	No Board established, settlement having been arrived at between the parties concerned.
May 2.....	Canadian Northern Ry. Co. and its machinists, members of Fort Garry Lodge, No. 189, International Association of Machinists.	Employees.	Winnipeg, Man.	325.....	Concerning demand for new working agreement and increased wages.	.....	.....	No Board established, settlement having been arrived at between the parties concerned.
May 2.....	Canadian Northern Ry. Co. and its machinists' helpers, members of Federal Union, No. 4.	Employees.	Winnipeg, Man.	57.....	Concerning demand for new working agreement, increased wages and shorter hours.	.....	.....	No Board established, settlement having been arrived at between the parties concerned.
May 2.....	Canadian Northern Ry. Co. and its moulders, members of Moulders' Union, No. 174.	Employees.	Winnipeg, Man.	13.....	Concerning demand for new working agreement, increased wages and shorter hours.	.....	.....	No Board established, settlement having been arrived at between the parties concerned.
May 2.....	Canadian Northern Ry. Co. and certain employees, members of Brotherhood of Railway Car men, Northern Star No. 371, and Plumbers, Gas and Steamfitters Union No. 479.	Employees.	Winnipeg, Man.	432.....	Concerning demand for new working agreement, increased wages and shorter hours.	Wm. Elliott Ma- cara (C) ³ . David H. Cooper (E) ¹ . Philip C. Locke (M) ¹ .	May 23. June 28.	Board presented a unanimous report making certain recommendations for a settlement. Award was not accepted by employees concerned, some of whom declared strike on July 7. Strike continued until September 27, when the men returned to work on the terms of the Board's award.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1910-11.—Continued.

II.—TRANSPORTATION AND COMMUNICATION—Continued.

I. RAILWAYS—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1910 May 2, . . .	Canadian Northern Ry. Co. and its boiler-makers, boiler-makers' specialists and boiler-makers' helpers, members of Boiler-makers and Iron Ship Builders of America, Fort Garry, No. 451, and Boiler-makers, Iron Ship Builders and Helpers, No. 212.	Employees	Winnipeg, Man.	170	Concerning demand for new working agreement, increased wages and shorter hours.	David H. Cooper (e)¹.			Pending establishment of Board a settlement was arrived at between parties concerned.
June 21 . . .	Intercolonial and Prince Edward Island Railways and telegraphers, train despatchers and station agents, members of Order of Railroad Telegraphers.	Employees	Canadian Government railway system.	490	Concerning proposed amendments to John A. Barron (c)¹ schedule and J. H. Gilmour (e)¹ alleged mistreatment of certain employees.		1911 Jan. 4.	1911 Feb. 20	Establishment of Board was postponed owing to arrangements being made for a conference between the Government Railways Managing Board and representatives of the employees concerned. A request was received from the employees on November 14, 1910, for a Board, no settlement having been arrived at. A unanimous report was received making certain recommendations for the settlement of the dispute, which were accepted by the Government Railway Managing Board and by the employees.

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June 28.	Grand Trunk Ry. Co. and brass workers in Montreal, members of Brass Workers, Local 320.	Employees.	Montreal, Que.	24.	Concerning demand for minimum rate of 30 cents per hr. (c) ¹ . Wm. Aird (E) ¹ . C. Rodier (M) ¹ .	July 13. July 30. Aug. 2	Report of Board was accompanied by a minority report, signed by Mr. Wm. Aird, member appointed on behalf of the company. Report was accepted by the employees concerned. No cessation of work occurred.
Sept. 3.	Canadian Pacific Ry. Co. and maintenance of way employees.	Employees.	C.P.R. system in Canada.	4,000.	Concerning demand for increased wages and revision of schedule. His Honour Judge D. McGibbon (c) ¹ . F. H. McGuigan (E) ¹ . W. T. J. Lee (M) ¹ .	1911 Sept. 21 Mar. 1. Mar. 4	Report of Board was accompanied by a minority report signed by Mr. F. H. McGuigan, member appointed on behalf of the company. Department was informed that the majority report was accepted by company and employees concerned.
Sept. 3.	Grand Trunk Pacific Ry. Co. and maintenance-of-way employees.	Employees.	Whole system of C. T. P. Ry.	1,000.	Concerning demand for increased wages and revision of schedule. His Honour Judge D. McGibbon (c) ¹ . J. W. Dawsey (E) ¹ . W. T. J. Lee (M) ¹ .	Sept. 21 Jan. 7.	Report of Board was accompanied by a minority report signed by Mr. J. W. Dawsey, member appointed on behalf of the company. Report was accepted on behalf of employees concerned. The company, however, declined to be bound by the Board findings. No cessation of work occurred.
Feb. 10.	Canadian Northern Ry. Co. and maintenance-of-way employees.	Employees.	C.N.R. system in Canada.	1,800.	Concerning demand for increased wages and revision of schedule. His Honour Judge D. McGibbon (c) ¹ . F. H. McGuigan (E) ¹ . W. T. J. Lee (M) ¹ .	Sept. 22 Mar. 2 Mar. 10.	Report of Board was accompanied by a minority report signed by Mr. F. H. McGuigan, member appointed on behalf of the company. Employees accepted Board findings. Company, however, declined to be bound by the same, but accepted instead the minority report. No cessation of work occurred.
1911 Feb. 10.	Kingston and Pembroke Ry. Co. and firemen and hostlers members of the Brotherhood of Locomotive Firemen and Enginemen.	Employees.	Kingston, Ont.	11 dir. 20 indir.	Concerning demand for increased wages and revision of rules. . . . .	.....	Department advised parties concerned that further effort should be made to effect settlement and on March 11, 1911, was informed that an amicable settlement had been arrived at.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1910-11—Continued

II.—TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1910 July 5.	Toronto Ry. Co. and employees, members of Toronto Railway Employees' Union, No. 113.	Employees	Toronto, Ont.	1,300	Concerning demand for new working agreement.	His Honour Judge John A. Barron (c) ³ J. P. Mullarkey (e) ¹ J. G. O'Donoghue (m) ¹ .	July 16	Aug. 20	A unanimous report was presented by Board making certain recommendations for settlement of dispute, which were accepted by both parties concerned.
Aug. 22.	British Columbia Electric Ry. Co. and linemen, members of Local No. 213 Inter-Brotherhood of Electrical Workers.	Employees.	Vancouver and vicinity.	50	Concerning demand for dismissal of foremen of linemen	A. E. Beck (e) ¹ . Jas. H. McVety (m) ¹ .	Sept. 12		Constitution of Board not completed, the parties concerned having arrived at a settlement of the matters in dispute.
Oct. 22.	Winnipeg Electric Ry. Co. and conductors and motormen, members of Amalgamated Association of Street Railway Employees of America, Local No. 99.	Employees	Winnipeg, Man.	600	Concerning alleged discrimination against certain employees, members of Amalgamated Association of Street Railway Employees.	W. J. Christie (c) ³ . Capt. Wm. Robinson (e) ¹ . L. L. Peltier (m) ¹ .	Nov. 11	Dec. 13	Report of Board was accompanied by a minority report signed by Mr. L. L. Peltier, member appointed on the recommendation of the employees concerned. Employees ceased work on December 16, 1910, to enforce their demand for reinstatement of four discharged employees. A settlement was effected through the intervention of Citizens' Committee by which strike was terminated on December 31, 1910.

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3. SHIPPING.

Mar. 14 . . .	Allan Line, Donaldson Line, Thomson Line, Leyland Line, White Star Dominion Line, Canada Line, South Africa Line, Mexican Line, Manchester Liners, Black Dia- mond Line, Head Line, Canadian Paci- fic Railway Line, and all other owners of steamships navi- gating to Montreal and Syndicated Longshoremen of Montreal.	Employees.	Montreal, Que.	1,800	Concerning wages and conditions of employment.	Honourable Mr. Fortin (c) ⁴ . Wm. Lyall (E) ¹ . Gustave Francq (M) ¹ .	7 Apr. 20	A unanimous report was presented by the Board, making certain recom- mendations for the settlement of the dispute, which were accepted by both parties concerned, an agreement being entered into effective for a period of five years. In connection with the same a permanent Board of Conciliation was established to settle such grievances as might from time to time be complained of.
Aug. 8	Allan Line, Donaldson Line, Leyland Line, White Star Dominion Line, Canada Line, South Africa Line, Mexi- can Line, Manches- ter Liners, Black Diamond Line, Head Line, Canadian Paci- fic Railway Line and all other own- ers of vessels navi- gating in the Port of Montreal, and the Ship Liners of the Port of Montreal.	Employees.	Montreal, Que.	200	Concerning wages, hours and condi- tions of employ- ment.	W. D. Lighthall (c) ⁴ . J. Herbert Lauer (E) ¹ . Geo. Poliquin (M) ¹	Sept. 16 Sept. 17	Report of Board was accompanied by a minority report signed by Mr. J. Herbert Lauer, member appointed on the recommendation of the Shipping Federation of Canada. The report was accepted; the shipping employees concerned; the shipping companies, however, in a com- munication addressed to the de- partment, expressed themselves as unable to accept the majority report. No cessation of work occurred.
Sept. 10 . . .	Canadian Pacific Steamship Co. and its employees com- monly known as deckhands, at Van- couver and Victoria, members of Sailors' Union of the Pacific.	Employees.	Vancouver and Vic- toria, B.C.	86 dir. 50 indir.	Concerning wages, hours and condi- tions of employ- ment.	His Honour Judge W. W. B. McInnes (c) ³ . G. E. McCrossan (E) ² . J. H. McVety (M) ¹	Oct. 27. Nov. 28	A unanimous report was presented by Board making certain recom- mendations for the settlement of the dispute, which were accepted by the employees concerned. The company maintained that it had no dispute with its employees and that, therefore, no action on its part was necessary. No cessation of work occurred.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1910-11—*Concluded.*II. TRANSPORTATION AND COMMUNICATION—*Continued.*

4. COMMERCIAL TELEGRAPHERS.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1910 June 23...	Canadian Pacific Ry. Co. and commercial telegraphers, members of Commercial Telegraphers' Union of America.	Employees.	Commercial Telegraph lines of C. P. R.	600.....	Concerning wages and conditions of employment.	J. E. Duval (c) ³ . F. H. McGuigan (e) ¹ . D. Campbell (m) ¹ .	July 7.	July 25.	A unanimous report was presented by Board in which it was stated that an agreement was concluded between the parties concerned on all points at issue.
1911 Mar. 3...	Great North Western Telegraph Co. of Canada and telegraphers, members of Commercial Telegraphers' Union of America.	Employees.	All offices operated by the G. N. W. Telegraph Co. of Canada.	200..... dir 1,100 indir	Concerning wages and conditions of employment.	Hon. Mr. Justice J. V. Teetzel (c) ³ . Frederick H. Markey (e) ¹ . D. Campbell (m) ¹ .	Mar. 30.		Proceedings unfinished.

SESSIONAL PAPER No. 36a

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907—PROCEEDINGS 1909-10.

STATEMENTS of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from April 1, 1909, to March 31, 1910.

1. Appointed by the Minister, under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.
2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.
3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.
4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (C) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1909 Mar. 4...	Dominion Coal Co. and employees, members of United Mine Workers of America.	Employees.	Glace Bay, C.B.....	3,000	Alleged discrimination against certain employees, members of United Mine Workers of America.	His Honour Judge Wallace (C) ⁴ . G. S. Campbell (E) ² . Daniel McDougall (M) ¹ .	Mar. 22.	April 16	The Board did not present a unanimous report, Mr. McDougall presenting the minority report. The Board found against the contentions of the men, and the latter refusing to accept the findings, struck on July 6. It was claimed by the company that the output of coal from its mines had practically ceased to be affected during the winter months following, although a considerable number of workmen, members of the United Mine Workers of America, remained on strike at the end of March, 1910.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1909-10—Continued.

I.—MINING AND SMELTING INDUSTRY—Continued.
1. COAL MINES—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1909 April 13.	Nicola Valley Coal and Coke Co. and employees.	Employees	Middlesboro B.C.	150.....	Alleged discrimination against certain employees.	His Honour Judge P. S. Laupman (c) ³ . Thos. Kiddie (e) ¹ . Thos. Chas. Brooke (m) ¹ .	May 7.	June 3, June 16 June 11	The report of the Board was accompanied by a minority report signed by Mr. T. C. Brooke, the member appointed on behalf of the employees. The report was not accepted by either party, and whilst proceedings were pending for the establishment of a Board in this case the employees ceased work on April 28, and remained on strike until the month of June. On June 15, the department was informed that an understanding had been reached between the management and the men.
April 26.	Nova Scotia Steel and Coal Co., Ltd., and employees.	Employees	Sydney Mines, C.B.	340.....	Wages and conditions of labour and recognition of United Mine Workers of America.	His Honour Judge J. P. Chipman (c) ⁴ . His Honour Judge MacGillivray (e) ² . D. McDougall (m)	June 23.	July 23	The report of the Board was accompanied by a minority report, signed by Mr. D. McDougall, member appointed on behalf of the employees. The report of the Board found against the claims of the employees. There was, however, no cessation of work, the threatened strike being averted.
May 8....	Western Coal Operators' Association, comprising: Alberta Ry. and Irrigation Co., H. W. McNeil Co., Pacific Coal Co.; Leitch Collieries Ltd.; Western Canadian Collieries, Ltd.;	Employees.	Lethbridge, Coleman, Lille, Bankhead Hillcrest, Bellevue, Passburg, Canmore, and Taber	2,100.....	Wages and conditions of labour.	Rev. Hugh Grant (c) ⁴ . Colin Macleod (e) ¹ . F. H. Sherman (m) ¹ .	May 15.	June 21. June 23.	The report of the Board was accompanied by a minority report, signed by Mr. Colin Macleod, which was, however, in substantial agreement with that of the Board. The report was not definitely accepted by either party, but conferences between the employers and the employees followed its publication.

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May 10...	Inter. Coal and Coke Co., Ltd., and Hosmer Mines, Ltd., and their employees.	Alta., Hosmer and Frank, B.C.	1,500.....	Wages and conditions of labour and recognition of United Mine Workers of America.	Hon. Mr. Justice Longley (C) ⁴ . Chas. Archibald (E) ² . E. B. Paul (M) ¹ .	June 5... July 23.	The report of the Board was accompanied by a minority note, signed by Mr. E. B. Paul, the member appointed on behalf of the employees. The Board's findings were substantially in favour of the company. The award was not, however, accepted by the employees, and a strike was declared on August 9, which resulted in the closing down of the company's mines until early in the month of March, 1910, when operations were resumed on a limited scale.	with the result that an agreement was reached, closely following the terms of the award, effective to March 31, 1911. The employees, who had been on strike from April 1, resumed work on July 1.
June 15...	Canada West Coal Co. and employees.	Taber, Alta.	300.....	Wages and conditions of labour.	His Honour Judge R. Winter (C) ³ . Colin Macleod (C) ¹ W. C. Simmons (M) ¹	July 3... July 19.	A unanimous report was presented by the Board, making recommendations for the settlement of the dispute. An agreement based on the findings of the Board was subsequently signed by the parties concerned, effective from July 30, 1909, to March 31, 1911. The employees who had been on strike from April 23, returned to work on July 30.	
Nov. 18...	Edmonton Standard Coal Co., Ltd., and employees.	Edmonton, Alta.	75.....	Wages and dismissal of employees.	Geo. F. Cunningham (C) ³ . Frank B. Smith (E) ¹ . Clement Stubbs (M) ¹ .	Dec. 2... Dec. 27.	A unanimous report was presented by the Board making certain recommendations for the settlement of the dispute, which were accepted by the parties concerned, a strike being thereby averted. Proceedings in connection with the application were discontinued in view of an agreement being reached by the parties concerned.	
Dec. 2...	James W. Blain, contractor for output of Cardiff Coal Co., Ltd., and employees	Cardiff, Alta.	60 dir. 15 indir.	Wages and conditions of employment.	.....	.....
1910 Jan. 5....	Alberta Coal Mining Co. and employees.	Cardiff, Alta.	35 dir. 25 indir.	Wages and conditions of employment.	R.G. Duggan (C) ³ . J. O. Hannah (E) ¹ . Clement Stubbs (M) ¹ .	Jan. 17.	Proceedings unfinished.	

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1909-10.—*Continued.*MINING AND SMELTING INDUSTRY—*Continued.*

2. METAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1909 April 5...	British Columbia Copper Co. and employees.	Employees.	Greenwood, B.C.	225	Alleged discrimination against certain employees.	His Honour Judge P. E. Wilson (c) ¹ Edward Cronyn (E) ¹ . John McInnis (M) ¹ .	April 20	May 29. June 3. June 11.	Three separate reports were presented in this case, the company expressing willingness to accept that of the chairman as a basis of settlement, while the men accepted the report of Mr. John McInnis. The men declared a strike on June 28, which continued until July 24.
1910 Jan. 8....	British Columbia Copper Co. and employees.	Employer..	Greenwood, B.C.	350	Employees' unwillingness to work with non-union men.	J. H. Senkler (c) ⁴ . John A. Mara (E) ¹ . John McInnis (M) ¹ .	Jan. 10.	Mar. 29.	The report of the Board was accompanied by a minority report, signed by Mr. John McInnis. The Board's report was substantially in favour of the company. The employees concerned being unwilling to concur in the findings of the Board, a strike was declared on April 19, and continued until May 11, when the employees returned to company's service on terms of Board's award.

II.—TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1908 Dec. 26	Kingston and Pembroke Ry. Co., and employees, in connection with Order of Road Telegraphers.	Employees	Kingston Pembroke Ry. System	19 direct, 1,600 indirect	Wages and conditions of labour.	His Honour Judge Gumm (c) ⁴ . J. L. Whiting, K.C. (E) ¹ . J. G. O'Donoghue (M) ¹ .	Jan. 15.	April 22	A unanimous report was presented by the Board, which made certain recommendations for the settlement of dispute. The report, with subsequent recommendations, was accepted by both parties, a strike being thereby averted.
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1909 May 7.	Canadian Pacific Ry. Co., and railroad telegraphers in its employ.	Employees	Canadian Pacific Ry. lines	1,600	Concerning alleged unfair dismissal and breach of contract.	Hon. Mr. Justice Fortin (c) ⁴ , Wallace Nesbitt, K.C. (E) ¹ , W. T. J. Lee (M) ¹ .	May 29.	June 11.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were subsequently, in correspondence with the department, accepted by both parties concerned, a strike being thereby averted.
June 3.	Grand Trunk Pacific Ry. Co., and engineers, firemen, conductors, brakemen, baggage men and yardmen in its employ.	Employees	Grand Trunk Pacific lines.	300	Wages and conditions of labour.	Hon. R. F. Sutherland, M.P. (c) ² , F. H. McGuigan, (E) ¹ , J. G. O'Donoghue (M) ¹ .	June 24.	Aug. 14.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute and no cessation of work occurred, the threatened strike being averted.
June 8.	Canadian Northern Ry. Co. and its maintenance-of-way employees.	Employees	Canadian Northern Ry. lines west of Port Arthur.	1,100 dir. 700 indir.	Wages and conditions of labour.	His Honour Judge R. M. Myers (c) ⁴ , W. J. Christie (E) ¹ , J. G. O'Donoghue (M) ¹ .	June 24.	July 21.	The report of the Board was accompanied by a minority report, signed by Mr. W. J. Christie. The findings of the Board were subsequently accepted by both parties to the dispute, a strike being thereby averted.
Aug. 11.	Intercolonial Railway of Canada and its roundhouse employees.	Employees	Halifax, N.S.	20 dir. 1,000 indir.	Employers' alleged discrimination against certain employees.	Sir Geo. Garneau (c) ⁴ , Jas. M. Gilmour (E) ¹ , Aaron A. R. Mosher (M) ¹ .	Sept. 25.	Nov. 17.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute. The findings of the Board were subsequently accepted by both parties to the dispute, a strike being thereby averted.
Oct. 2.	Intercolonial Railway of Canada and machinists and fitters in its employ.	Employees	Intercolonial Ry. system.	363 dir. 43 indir.	Concerning dismissal of certain employees and alleged violation of contract.	His Honour Judge John A. Barron, (c) ⁴ , Jas. H. Gilmour (E) ¹ , J. G. O'Donoghue (M) ¹ .	Oct. 19.	Dec. 8.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned, a strike being thereby averted.
Dec. 3.	Grand Trunk Ry. Co. and telegraphers and station agents in its employ.	Employees	Grand Trunk Ry. lines, east of Detroit, Mich.	760	Wages, advertising, etc. of vacancies, etc.	J. E. Atkinson (c) ¹ , Wallace Nesbitt, K.C. (E) ¹ , W. T. J. Lee (M) ¹ .	Dec. 21.	1910 Feb. 24.	A report was presented which was unanimous on certain of the matters in dispute, Mr. Wallace Nesbitt, K.C., member appointed on behalf of the company, dissenting from the views of the other members on two points. At the close of the year the department was in communication with the parties to the dispute. No cessation of work occurred.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1909-10—Continued.

II.—TRANSPORTATION AND COMMUNICATION—Continued.

I.—RAILWAYS.—Continued.

Date of receipt of application.	Parties to Dispute.	Party making Application.	Locality.	No persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
Mar. 17...	Canadian Pacific Ry. Co. and conductors, baggagemen, brakemen and yardmen in its employ.	Employees.	C.P.R. lines.	4,360....	Wages and conditions of employment.	J. E. Atkinson (c) ⁴ Wallace Nesbitt, K.C. (E) ¹ J. G. O'Donoghue, (M) ¹	Mar. 18	Proceedings unfinished.	
Mar. 17...	Grand Trunk Ry. Co. and conductors, baggagemen, brakemen, and yardmen in its employ.	Employees.	G.T.R. lines.	3,017....	Wages and conditions of employment.	Wallace Nesbitt, K.C. (E) ¹ J. G. O'Donoghue, (M) ¹	Mar. 18	Proceedings unfinished.	
Mar. 17...	Toronto, Hamilton & Buffalo Ry. Co. and conductors, baggagemen, brakemen and yardmen in its employ.	Employees.	Toronto, Hamilton, and Buffalo Ry. lines.	101.....	Wages and conditions of employment.	F. H. McGuigan (E) ¹ J. G. O'Donoghue, (M) ¹	Mar. 18	Proceedings unfinished.	
Mar. 19...	Grand Trunk Pacific Ry. Co. and its telegraph and station employees.	Employees.	Grand Trunk Pacific lines.	75	Rules and rates of pay.	W. T. J. Lee (M) ¹ .	Mar. 30	Proceedings unfinished.	
Mar. 22...	Dominion Atlantic Ry. Co. and employees.	Employees.	Kentville, N.S.	4 dir..... 25 indir.	Terms of employment and dismissal of certain employees.			Proceedings unfinished.	

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2. STREET RAILWAYS.

1909. April 20..	Winnipeg Electric Ry. Co. and employees.	Employees.	Winnipeg, Man.	600 ..	Concerning wages and conditions of labour.	Rev. C. W. Gordon. D. D. (c) ⁴ . W. J. Christie (E) ¹ . J. G. O'Donoghue, (M) ¹ .	May 10 June 1	A unanimous report was presented by the Board, accompanied by an agreement covering all points in dispute and effective from May 1, 1909, to May 1, 1911, a strike being thereby averted.
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3. FREIGHT HANDLERS.

1909. May 17..	Canadian Pacific Ry. Co. and freight hand- lers in its employ.	Employees.	Owen Sound Ont.	250.....	Concerning wages....	Donald Ross (c) ⁴ . Wallace Nesbitt, K. C. (E) ¹ . J. G. O'Donoghue, (M) ¹ .	June 2 June 17	A strike of freight handlers employed by the Canadian Pacific Railway Company at Owen Sound, occurred on May 7 and continued until May 10, when application was made for the establishment of a Board under the Industrial Disputes Investigation Act, to which the dispute was referred for adjustment. The report of the Board was accompanied by a minority report by Mr. O'Donoghue. The report of the Board was accepted by the parties to the dispute, further cessation of work being thereby averted.
Aug. 18..	Canadian Pacific Ry. Co. and freight hand- lers in its employ.	Employees.	Fort Wil- liam, Ont.	700.....	Concerning wages and conditions of labour.	S. C. Young (c) ³ . W. J. Christie (E) ¹ . W. T. Rankin (M) ¹ .	Aug. 20 Aug. 30	A strike of freight handlers employed by the Canadian Pacific Railway Company at Fort William occurred on August 9, and continued until August 16, when application was made for the establishment of a Board under the Industrial Disputes Investigation Act, to which the dispute was referred for adjustment. In the application it was stated that the employees were not informed of the provisions of this Act when the strike was declared. A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by the parties concerned, a further cessation of work being thereby averted.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1909-10—Continued.
II.—TRANSPORTATION AND COMMUNICATION—Continued.

4. LONGSHOREMEN.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1909. Mar. 14.	Allan Line; Donaldson Line; Thomson Line; Leyland Line; White Star-Dominion Line; Canada Line; South African Line; Mexican Line; Manchester Liners; Black Diamond Line; Head Line; Canadian Pacific Railway Line; and all other owners of steamships navigating to Montreal and Syndicated Longshoremen of Montreal	Employees	Montreal, Que.	1,800	Wages and conditions of employment.	Wm. Lyall (E) ¹ . Gustave Franceq. (M) ¹ .	Mar. 24		Proceedings unfinished

5. TEAMSTERS.

1909. Feb. 10.	Manitoba Cartage Co. Ltd.	Employees.	Winnipeg, Man.	40 dir. 260 indir.	Alleged discrimination against men connected with Union.	Rev. Dr. C. W. Gordon (c) ¹ . Prof. R. Cochrane, (E) ¹ . T. J. Murray (M) ¹ .	Mar. 2	Apr. 1	A unanimous report was presented by the Board, making recommendations for the settlement of the dispute. The report was not accepted by the company, but the inquiry had the effect of improving the conditions and bringing about an understanding so that the threatened strike was averted.
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III.—MUNICIPAL PUBLIC UTILITIES.

1909. July 8....	Corporation of Saskatoon, Sask., and labourers in its employ	Employees.	Saskatoon, Sask.	150 dir. 150 indir.	Concerning wages and conditions of labour.	E. J. Meilicke (c) ⁴ . Alex. Smith (E) ¹ . E. Stephenson (M) ¹	Aug. 4 Sept. 9	A report was presented by the chairman and Mr. Alex. Smith, making certain recommendations for the settlement of the dispute, and stating also that an agreement had been reached on all points except the establishment of a minimum wage scale and recognition of the employees' union. No cessation of work was reported.
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B.—INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES

1909. Apr. 27...	Dominion Textile Co. and mule spinners in its employ.	Employees.	Montreal, Que.	70 dir. 3,000 indir.	Concerning wages and conditions of labour.	Hon. Mr. Justice Fortin (c) ³ . F. G. Daniels (E) ¹ . A. A. Gibeault (M) ¹ .	May 7 May 25	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned, a strike being thereby averted.
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INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.— PROCEEDINGS 1908-09.

STATEMENTS of Applications for Boards of Conciliation and Investigation and of Proceedings thereunder from April 1, 1908 to March 31, 1909.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

- 1. Appointed by the Minister, under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.
- 2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.
- 3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.
- 4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted	Date of receipt of Report of Board.	Result of Reference.
1908. May 2....	Standard Coal Co. and employees.	Employees.	Edmonton,	20.....	Concerning wages and conditions of labour.	His Honour Judge Taylor (c) ⁴ . F. B. Smith (E) ¹ . F. H. Sherman (M) ¹ .	June 19	July 22	Company had previously made an agreement individually with employees. Representative of men was willing to take agreement for what it was worth, but would not enter into same on behalf of union. Board decided to leave the existing agreement intact, and this arrangement appears to have been satisfactory, a strike being thereby averted.
May 12....	Nova Scotia Steel and Coal Co. and employees.	Employees.	North Sydney, N.S.	1,750....	Concerning wages and conditions of labour.	Prof. A. Short (c) ³ . Dr. D. Allison (E) ² . J. W. Maddin (M) ¹ .	June 19	Aug. 1	An agreement concluded before the Board on all points, and a strike thereby averted.
May 14....	International Coal and Coke Co. and employees.	Employees.	Westville, N.S.	800.....	Concerning wages and conditions of labour.	.....	.....	.....	No Board was established in this case, the parties having come to an amicable agreement, subsequent to forwarding the application, a strike being thereby averted.
May 15....	Acadia Coal Co. and employees.	.....	Stellarton, N.S.	800.....	Concerning wages and conditions of labour.	.....	.....	.....	No Board was established in this case, the parties having come to an amicable agreement subsequent to forwarding the application, a strike being thereby averted.

May 18...	Port Hood and Richmond Ry. Coal Co. and employees.	Employees.	Port Hood, N.S.	300.....	Concerning wages and conditions of labour.	His Honour Judge McGillivray (c) ³ Geo. S. Campbell (E) ¹ . Jas. Macdonald (M) ¹ .	June 8...	July 2...	A unanimous report was made by the Board with recommendations for a settlement of all differences, which is understood to have been accepted as a basis of working operations, a strike being thereby averted.
July 2...	Maritime Coal, Ry. and Power Co., Ltd. and employees.	Employees.	Chignecto, N.S.	200.....	Concerning wages and conditions of labour.	Rev. Chas. Wilson (c) ³ . B. Barnhill (E) ¹ . R. B. Murray (M) ¹ .	July 6...	July 27.	An agreement was effected before the Board on all the points at issue and covering the period of two years from July 31, 1908, a strike being thereby averted.
Oct. 19...	Galbraith Coal Co., Ltd., and employees	Employees.	Lundbreck, Alta.	30.....	Concerning wages and conditions of labour.	Chas. Simister (c) ³ F. B. Smith, C.E. (E) ¹ . Jas. A. McDonald (M) ¹ .	Nov. 25	Dec. 14	The Board presented a unanimous report recommending a basis of settlement, which was subsequently, in correspondence with the department, accepted by both parties to the dispute, a strike being thereby averted.
1909 Mar. 4...	Dominion Coal Co. and employees, members of United Mine Workers of America.	Employees.	Glace Bay, N.S.	3,000.....	Alleged discrimination against members of United Mine Workers of America.	His Honour Judge Wallace (c) ⁴ . G.S. Campbell (E) ² Daniel McDougall (M) ¹ .	Mar. 22.	.....	Proceedings unfinished.

2. METAL MINES.

1908 July 20...	Cobalt Central Mining Co., Ltd., and employees.	Employees.	Cobalt, Ont.	105.....	Concerning wages and hours.	Prof. S. J. Maclean (c) ⁴ . E. L. Fraleck (E) ¹ . C. B. Duke (M) ¹ .	Aug. 22.	Aug. 29.	Unanimous report presented by Board making recommendations for the settlement of the dispute, and no cessation of work was reported.
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II.—TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1908 April 28...	Canadian Pacific Ry. Co. and various trades in its mechanical department.	Employees.	C.P.R. sys-tem.	8,000.....	Concerning wages and conditions of labour.	P.A. Macdonald (c) ⁴ C.F. Fullerton (E) ¹ G. F. Galt (E) ² *. Jas. Somerville (M) ¹ .	May 13.	July 16.	The Board did not present a unanimous report, Mr. Somerville presenting a minority report. The Board made certain recommendations for settlement of dispute, which were accepted by company with some demur. Men refused to accept findings of Board and ceased work on August 5. They returned to work on October 5, accepting finally recommendations of Board.
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*Mr. Fullerton, finding himself at an early stage of the proceedings unable to agree with his colleagues, resigned from the Board, and the company declining to make a further recommendation, the Minister appointed Mr. Galt without recommendation.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1908-09.—*Continued.*II.—TRANSPORTATION AND COMMUNICATION—*Continued.*1. RAILWAYS—*Continued.*

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1908 May 14.	Intercolonial Railway of Canada and Station Freight Clerks' Union, Nos. 1 and 2 of Halifax, N.S., and St. John, N.B.	Employees.	Halifax, N.S. and St. John, N.B.		Concerning wages and conditions of labour.	His Honour Judge McGibbon (c) ¹ . H. Holgate, F.E. (E) ¹ . J. G. O'Donoghue, (M) ¹ . R. E. Finn (M) ¹ . **	Sept. 8.	Oct. 6.	The proceedings in this case were under the Conciliation and Labour Act by request of the employees and were subject to delay through the inability to act of the member of the Committee of Mediation and Investigation first appointed on the recommendation of the men. The committee was finally constituted and a settlement of all differences effected, a strike being thereby averted.
May 29.	Canadian Pacific Ry. and railway telegraphers in its employ.	Employees.	C.P.R. system.	1,605.	Concerning alleged wrongful dismissal of certain employees.	Hon. Mr. Justice Fortin (c) ¹ . C. Campbell, K.C. (E) ¹ . W.T.J. Lee, (M) ¹ .	June 17.	Sept. 26.	A unanimous report was made by the Board with recommendations for a settlement of all differences, which was accepted by both parties, a strike being thereby averted.
Aug. 21.	Canadian Northern Ry. Co. and carmen on its Lake St. John Division.	Employees.	Lake St. John Division, Canadian Northern Ry.	49.	Concerning wages and conditions of labour.	Ludovic (c) ¹ . E. A. Evans (E) ¹ . P. J. Jobin (M) ¹ . A. Chartrain (M) ¹ . †	Sept. 30.	Nov. 19.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties to the dispute, a strike being thereby averted.
Aug. 22.	Canadian Pacific Ry. Co. and firemen and engineers in its employ.	Employees.	C.P.R. system.	7,000.	Concerning alleged wrongful dismissal of certain employees.	Hon. Judge Fortin (c) ¹ . W. Nesbitt, K.C. (E) ¹ . J. G. O'Donoghue (M) ¹ .	Jan. 5.	Jan. 25.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties, a strike being thereby averted.

Aug. 22...	Canadian Northern Ry. Co. and locomotive engineers in its employ.	Employees.	Canadian Northern Ry. system.	341.....	Concerning wages and conditions of labour.	His Honour Judge Gunn (c) ⁴ . F. H. Richardson (E) ¹ . J. Harvey Hall (M) ¹	Sept. 14 Nov. 16	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute, which were accepted by both parties, and a strike thereby averted.
Dec. 26...	Kingston and Pembroke Ry. Co. and employees, members of Order of Railroad Telegraphers.	Employees.	Kingston and Pembroke Ry. system.	19 dir..... 1,600 in-dir.	Concerning wages and conditions of labour.	His Honor Judge Gunn (c) ⁴ . J. L. Whiting, K.C. (E) ¹ . J. G. O'Donoghue (M) ¹ .	Jan. 15.....	Proceedings unfinished.
Dec. 29...	Great Northwestern Telegraph Co. and certain Railroad Telegraphers on Michigan Central Ry. system.	Employees.	Michigan Central Ry. system.	75.....	Abolition of commission by commercial business on Michigan Central Ry. System by Great Northwestern Telegraph Co., without due notice.	Judge McGibbon, (c) ⁴ . J. F. Mackay (E) ² . J. G. O'Donoghue (M) ¹ .	Feb. 8... Mar. 22.	A unanimous report was presented by the Board, making certain recommendations for the settlement of the dispute. The report was substantially in favour of the employees. The company had refused to nominate to the Board and claimed irresponsibility in the matter. The inquiry, though not resulting in an agreement, is understood to have modified the situation to such a degree that danger of the threatened strike was averted.

2. STREET RAILWAYS.

1908 May 8...	Ottawa Electric Ry. and its employees.	Employees.	Ottawa, Ont.	256.....	Concerning wages and conditions of labour.	Prof. A. Shortt (c) ⁴ J. F. Henderson, J. G. O'Donoghue, (M) ¹ .	May 22... June 15.	Differences amicably arranged before the Board and strike thereby averted.
Sept. 3...	Quebec Light, Heat and Power Co. and its Street Railway employees.	Employees.	Quebec, Que.	116.....	Concerning alleged wrongful dismissal of certain employees.	Omer Brunet (M) ¹ W. H. Moore (E) ¹.	..... Oct. 6.	The two members of the Board appointed respectively on the nomination of employing company and employees presented a joint statement making certain recommendations for a settlement of the disputed points, which recommendations were accepted by both parties to the dispute as a settlement of the differences, a strike being thereby averted.

¹Owing to inability of Mr. R. E. Finn to act as member of Board, Mr. J. G. O'Donoghue was appointed in his stead.

²Owing to inability of A. Chartrain to act as member of the Board, P. J. Jobin was appointed in his stead.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1908-09.—Continued.
II.—TRANSPORTATION AND COMMUNICATION.—Continued.
3. TEAMSTERS.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Result of Reference.
1909 Feb. 10...	Manitoba Cartage Co. Ltd.	Employees.	Winnipeg, Man.	40 dir., 260 indir.	Concerning alleged discrimination against men connected with the Union.	Rev. Dr. C. W. Gordon (c) ³ . Prof. R. R. Cochrane (e) ² . T. J. Murray (m) ¹ .	Mar. 2...	Proceedings unfinished.

B.—INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.*

1908 Dec. 17...	The John Ritchie Co., Ltd., and certain employees (lasters).	Employees and employers.	Quebec, Que.	300	Concerning introduction of certain machine and wages.	Dr. Chas. Cote, (c) ³ . Felix Marois (e) ¹ . Z. Bérubé (m) ¹ .	Dec. 31. Feb. 17	An agreement was concluded before the Board covering all matters in dispute effective from February 12, 1909, to May 1, 1910, a strike being thereby averted.
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*These disputes were referred to a Board of Conciliation and Investigation under Section 63 of the Act, which provides that 'in the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree, in writing, to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act,' etc.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1907-08.

STATEMENTS of Applications for Conciliation and Investigation and of Proceedings thereunder from March 22, 1907, to March 31, 1908.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

- 1. Appointed by the Minister, under Section 8, Sub-section 1, of the I.D.I. Act, on recommendation from party concerned.
- 2. Appointed by the Minister, under Section 8, Sub-section 2, of the I.D.I. Act, in the absence of a recommendation from party concerned.
- 3. Appointed by the Minister, under Section 8, Sub-section 3, of the I.D.I. Act, on the joint recommendation of the two members first appointed.
- 4. Appointed by the Minister, under Section 8, Sub-section 4, of the I.D.I. Act, in the absence of a joint recommendation by the two members first appointed.

I.—MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (E) Employer; (M) Men.	Date on which Board was constituted	Date of receipt of Report of Board.	Result of Reference.
1907 Apr. 8....	¹ Cumberland Ry. and Coal Co. and employees.	Employees.	Springhill, N.S.	1,700....	Concerning employment of non-union workmen.	.....	.....	.....	On April 1, employees went on strike. It was alleged by employees that they were under impression that the mines of Nova Scotia were exempt from provisions of Act. When it was explained Act applied to all Canada, employees returned to work April 8. Difficulty amicably settled. No Board constituted.
Apr.	¹ Canada West Coal and Coke Co. and employees.	Coal Employees.	Taber, Alta.	150.....	Concerning hours of labour.	.....	.....	.....	On April 1, employer locked out employees. Employer alleged that this was done in ignorance of provisions of Act. When informed of provisions of Act by department, mines were re-opened on April 18. Subsequently an amicable settlement was effected through intervention of Mr. J. D. McNiven, fair wages officer of department. No Board constituted.

¹It is important to note in connection with these disputes that the Industrial Disputes Investigation Act was not assented to till March 22, 1907. It was some weeks later before copies of the Act were available for distribution. Its provisions in consequence were not fully known by the parties at the time these disputes occurred.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1907-08.—Continued.

MINING AND SMELTING INDUSTRY—Continued.

1. Coal Mines—Continued.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (M) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1907 Apr. 9	Western Coal Operators Association and Canadian American Coal and Coke Co.	Employees.	Frank, Alta	250	Concerning terms of joint agreement including wages, schedule and other conditions of employment.	Sir Wm. Mulock, K.C., M.C.G. (c); J. L. Parker (e); L. P. Eckstein (M)	Apr. 22	May 29.	Employees went on strike in the several mines while proceedings were pending in connection with the establishment of the Boards of Conciliation and investigation; in consequence, it was alleged, of misunderstandings which arose through ignorance of the provisions of the Act. The Deputy Minister of Labour left for Fernie on April 19, to explain to the parties the provisions of the law. While in Fernie, the parties consented to his intervention as a conciliator under the Conciliation Act, 1900, and an agreement was effected on May 4. The Boards convened at Fernie on April 30, but adjourned proceedings pending investigations by the Deputy Minister. On May 6, the Boards reconvened to receive from the parties a formal statement that the differences had been adjusted, a further cessation of work being thereby averted. An important feature of the settlement was the establishment of a standing committee of conciliation between the employers and employees, to which future differences were to be referred.
	Crowsnest Pass Coal Co.		Fernie, Coal Creek, Michel, B.C.	1,800.		Sir Wm. Mulock, K.C., M.C.G. (c); F. B. Smith (e); L. P. Eckstein (M)			
	International Coal and Coke Co. West Canadian Collieries, Ltd.		Coleman, Alta. Lille and Bellevue.	370 and 350					
	Breckenridge and Lund Coal Co. H. W. McNeill Coal Co. Pacific Coal Co.		Lundbreck, Alta. Canmore, Alta. Bankhead, Alta.	125 300 400					

²Applications for a Board were received also from the employers, parties to this dispute.

SESSIONAL PAPER No. 36a

May 8....	Cumberland Ry. and Coal Co. and employees.	Employees.	Springhill, N.S.	1,700.....	Concerning payment for work in counter levels and stone in pillar work.	The Hon. Mr. Justice Graham (C) ³ , P.S. Archibald (E) ¹ R. B. Murray (M) ¹	May 17.	July 13.	Board, being unable to effect a settlement by conciliation, presented a report signed by the Chairman and Mr. Archibald. Minority report was presented by Mr. Murray. The recommendations of the Board were not accepted by the employees. The strike which was threatened prior to the application for Board on May 8 was averted for the time being but took place on August 1, continuing until October 31, when the employees returned to work on the conditions recommended in the report of the Board.
May 27...	Alberta Ry. and Irrigation Coal Co. and employees of coal mines.	Employees.	Lethbridge, Alta.	400.....	Concerning conditions of employment.	.....	.....	.....	Amicable settlement including agreement as to conditions of employment and establishment of a standing committee of conciliation effected between parties while Board was in process of constitution, strike being thereby averted.
July 12....	Cumberland Ry. and Coal Co. and employees.	Employees.	Springhill, N.S.	1,700.....	Concerning wages and other conditions of employment.	His Honour Judge Patterson (C) ⁴ P.S. Archibald (E) ¹ R. B. Murray (M) ¹	July 27.	Sept. 21	Employees declared a strike on August 1, in reference to question of payment for stone in pillar work having refused to accept the recommendations of the Board appointed May 17 to deal with this subject. In virtue of this strike proceedings before the Board were suspended until September 9, the Board sat for two days, and presented an interim report. The strike ended on October 31, the employees returning to work on the conditions recommended in the report of the first Board.
Sept. 11..	Hillcrest Coal and Coke Co., Ltd., and employees.	Employees.	Hillcrest, Alta.	70.....	Concerning wages and other conditions of employment.	Hon. C. W. Fisher (C) ⁴ J. R. McDonald (E) ¹ F. H. Sherman (M) ¹	Sept. 24	Nov. 4.	The report of the Board was accompanied by a minority report by Mr. Sherman. Though neither report was formally accepted by the parties, settlement was reached in consequence of the inquiry by the Board, and a strike thereby averted.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1907-08.—*Continued.*I.—MINING AND SMELTING INDUSTRY—*Continued.*1. COAL MINES.—*Continued.*

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1907 Sept. 16.	Hosmermines and employees.	Employees.	Hosmer, B.C.	100.....	Concerning wages and other conditions of employment.	His Honour Judge Wilson (c) ¹ . F. B. Smith (e) ¹ . F. H. Sherman (m) ¹	Sept. 30	Oct. 21.	The Board presented a unanimous report, which though not formally accepted by the parties, formed the basis of an agreement subsequently reached by them and reported to the Department, a strike being thereby averted.
Nov. 5.	Canada West Coal and Coke Co. and employees.	Employees.	Taber, Alta.	150.....	Concerning wages, hours and other conditions of employment.	Hon. Mr. Justice Stuart (c) ¹ . S. A. Jones (e) ¹ . F. H. Sherman (m) ¹	Nov. 20	Dec. 20.	Differences adjusted, and agreement concluded before Board, dating from December 9, 1907, until March 31, 1909, a strike being thereby averted.
Nov. 5.	Domestic Coal Co. and employees.	Employees.	Taber, Alta.	50.....	Concerning wages, hours and other conditions of employment.	Hon. Mr. Justice Stuart (c) ¹ . R. Duggan (e) ¹ . F. H. Sherman (m) ¹	Nov. 20	Dec. 28.	Differences adjusted, and agreement concluded before Board, dating from December 9, 1907, until March 31, 1909, a strike being thereby averted.
Nov. 5.	Duggan, Huntrods and Co. and employees.	Employees.	Taber, Alta.	40.....	Concerning wages, hours and other conditions of employment.	Hon. Mr. Justice Stuart (c) ¹ . J. Shorthouse (e). F. H. Sherman (m) ¹	Nov. 20	Dec. 28.	Differences adjusted, and agreement concluded before Board, dating from December 9, 1907, until March 31, 1909, a strike being thereby averted.
Nov. 12.	Stathcona Coal Co. and employees.	Employees.	Edmonton, Alta.	40.....	Concerning wages, hours and other conditions of employment.	G. Montgomery (c) ³ . F. L. Otter (e) ¹ . F. H. Sherman (m) ¹	Dec. 2	Dec. 28.	Differences adjusted, and agreement concluded before Board, dating from September 23, 1907, until March 31, 1909, a strike being thereby averted.

SESSIONAL PAPER No. 36a

Nov. 21..	Cumberland Ry. and Coal Co. and employees.	Employees.	Springhill, N.S.	1,700.....	Concerning wages, and other conditions of employment.	His Honour Judge Patterson (c) ⁴ . R. B. Murray (M) ¹ . Hiram Donkin (E) ¹ .	Dec. 24.	1908 Jan. 21..	The Board presented a unanimous report, which the employees expressed a willingness, and the company an unwillingness to accept. No further cessation of work took place.
1908 Jan 4.....	Dominion Coal Co., Ltd., and members of the Provincial Workmen's Association.	Employees.	Dominion, C.B.	7,000.....	Concerning wages, and conditions of employment.	Prof. A. Shortt (c) ⁴ . J. Dix Fraser (E) ¹ . Dr. A. Kendal, M. P. P. (M) ¹ .	Feb. 18.	Mar. 23.	Differences adjusted and an agreement concluded before the Board, effective from March 16, 1909, to December 31, 1909, strike being thereby averted.
Feb. 10....	John Marsh, John Howells, Stevens Brothers, coal mine operators, dealt with as a whole, and employees.	Employers..	Woodpecker, Alta.	100.....	Concerning wages, and conditions of employment.	Hon. Mr. Justice Stuart (c) ³ . W. F. Bullock (E) ¹ . F. H. Sherman (M) ¹ .	Feb. 25.	April 6..	The report of the Board stated that the Act did not apply in this case, the mines having closed down for lack of orders before the investigation occurred. A wage scale was, however, recommended. The report was accompanied by a minority report, making other recommendations.
Mar. 16..	Western Dominion Collieries, Ltd., and employees.	Employees.	Taylor, Sask.	90.....	Concerning wages and hours.	His Honour Judge Myers (c) ⁴ . J. O. Hannah (E) ¹ . F. H. Sherman (M) ¹ .	Apr. 10.	May 5..	Differences adjusted and agreement concluded before Board, effective from May 1, 1908, to May 1, 1909 a strike being thereby averted.
Mar. 16..	Manitoba and Saskatchewan Coal Co., Ltd., and employees	Employees.	Bienfait, Sask.	50.....	Concerning wages, and hours.	His Honour Judge Dawson (c) ⁴ . G. C. Crowe (E) ¹ . F. H. Sherman (M) ¹ .	Apr. 22.	Dec. 8..	The report in this case appears as represented to the Department, to have been mislaid by one of the members of the Board and an unusual delay occurred thereon in its presentation. The Board disagreed in its findings, but no cessation of work was reported.
Mar. 25....	Cumberland Ry. and Coal Co., Ltd., and employees.	Employees.	Springhill, N.S.	1,600.....	Concerning wages....	His Honour Judge Wallace (c) ⁴ . Hon. John Armstrong (E) ² . R. B. Murray (M) ¹ .	Apr. 29.	May 26.	The report found against the claims of the men, and was accompanied by a minority report, finding generally, but not wholly, in favour of the men. The employees declared the minority report acceptable to them. No cessation of work was reported.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.—PROCEEDINGS 1907-08.—*Continued.*
 I. MINING AND SMELTING INDUSTRY—*Continued.*
 2. METAL MINES.

Date of receipt of Application.	Parties to Dispute.	Party making Application.	Locality.	No. Persons affected.	Nature of Dispute.	Names of Members of Board: (c) Chairman; (e) Employer; (m) Men.	Date on which Board was constituted.	Date of receipt of Report of Board.	Result of Reference.
1907 Sept. 12	Canadian Consolidated Mining and Smelting Co. and employees.	Employees	Moyie, B.C.	400	Concerning wages and hours.	His Honour Judge Wilson (c) ^a . J. A. Harvey (e) ¹ . S. S. Taylor, K.C. (m) ¹ .	Sept. 23	Dec. 28.	The Board, after exhaustive inquiry into mining conditions in British Columbia, presented a unanimous report, the recommendations of which were of general application to the metal mining industry in the province of British Columbia. A settlement based on the recommendations was effected between the company and its employees, and a strike thereby averted. The inquiry, moreover, had the effect of influencing the settlement of other differences in the industry in other parts of the province.
Dec. 9	McKinley-Darragh Mining Co., Ltd., and its employees.	Employees	Cobalt, Ont	120	Concerning wages.	Prof. A. Shortt (c) ^a . E. C. Kingswell (e) ¹ . John A. Welch (m) ¹ .	Dec. 21.	1908 Jan. 22.	A unanimous report was presented by the Board, making recommendations for the settlement of the dispute. The findings of the Board were not formally accepted by the parties, but the investigation by the Board is believed to have been beneficial to the camp as a whole and no cessation of work was reported.
1908 Jan. 9	Temiskaming and Hudson Bay Mining Co., Ltd., and its employees.	Employees	Cobalt, Ont	50	Concerning wages and hours.	Prof. S. J. Maclean (c) ¹ . M. F. Pumaville (e) ¹ . C. B. Duke (m) ¹ .	Jan. 31.	Feb. 13	Unanimous report was presented by Board making recommendations for the settlement of the dispute. The findings of the Board were accepted by the men, but not by the company. No cessation of work was, however, reported.

II.—TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1907 Apr. 20 . . .	Grand Trunk Ry. Co. of Canada and machinists.	Employees.	Montreal, Ottawa, Toronto, Stratford, etc.	400	Concerning schedule involving wages, hours, apprenticeship, re-instatement of former employees, etc.	Prof. A. Shortt (c) ⁴ W. Nesbitt, K.C., (E) ¹ . J. G. O'Donoghue, (M) ¹ .	May 4 . . .	May 21 .	Differences adjusted, and agreement concluded before Board for period of one year from May 1, strike being thereby averted.
June 27 . . .	Grand Trunk Ry. Co. of Canada and its locomotive engineers	Employees.	Montreal, Ottawa, Toronto, Stratford, etc.	1,300	Concerning schedule of wages and rules.	Prof. A. Shortt (c) ⁴ W. Nesbitt, K.C., (E) ¹ . J. Cardell (M) ¹ .	July 18 .	Aug. 16 .	Differences adjusted, and agreement for three years concluded before Board, a strike being thereby averted.
July 10 . . .	Intercolonial Ry. of Canada and freight handlers in its employ at Halifax, N.S.	Employees.	Halifax, N.S.	250	Concerning wages and classification of employees.	Prof. W. Murray (c) ³ Henry Holgate (E) ¹ . R. E. Finn, M.P. (M) ¹ .	July 22 .	Aug. 12 .	On June 29, employees went on strike, and when informed that provisions of Act applied, both parties agreed to refer the differences under the Act, and employees returned to work. On the request of the parties, proceedings were subsequently adopted under the Conciliation and Labour Act, and a settlement effected, the terms of which were made applicable to the railway's employees at St. John, N.B., as well as at Halifax, N.S., and further cessation of work was thereby averted.

REPORTS OF BOARDS OF CONCILIATION AND INVESTIGATION RECEIVED DURING THE FINANCIAL YEAR 1912-13.

(For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the Annual Report of the Department of Labour to the Governor General.—Section 29 of the Industrial Disputes Investigation Act, 1907.)

SESSIONAL PAPER No. 36a

I.—APPLICATION FROM THE RAILROAD FREIGHT HANDLERS AND RAILWAY CLERKS, MEMBERS OF WINNIPEG DIVISION No. 177, BROTHERHOOD OF RAILROAD FREIGHT HANDLERS AND RAILWAY CLERKS, EMPLOYED BY THE CANADIAN PACIFIC RAILWAY COMPANY AT WINNIPEG, MAN.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—STRIKE AVERTED.

Application received—March 11, 1912.

Parties concerned—The Canadian Pacific Railway Company and railroad freight handlers and railway clerks, members of Winnipeg Division No. 177, Brotherhood of Railroad Freight Handlers and Railway Clerks, employed at Winnipeg, Man.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Alleged discrimination against members of the union.

Number of employees affected—Directly, 220; indirectly, 230.

Date of constitution of Board—April 3, 1912.

Membership of Board—Honourable Mr. Justice H. A. Robson, Winnipeg, Man., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. Chas. P. Fullerton, Winnipeg, Man., appointed by the Minister in the absence of any recommendation from the employing company; and Mr. Thos. J. Murray, Winnipeg, Man., appointed on the recommendation of the employees concerned.

Report received—May 3, 1912.

Result of Inquiry—A unanimous report was presented by the Board in which it was stated that the company had re-employed all the dismissed employees who wished to return to work. The award was formally accepted by both parties to the dispute.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between the Canadian Pacific Railway Company, employer, and Railroad Freight Handlers and Railway Clerks at Winnipeg, Manitoba, employees.

To the Registrar of Board of Conciliation and Investigation.

The undersigned members of the Board of Conciliation and Investigation established by the Honourable the Minister of Labour by order dated the 18th day of March, 1912, have to report that after severally taking the requisite oath they held their first meeting on the 8th day of April, 1912, at Winnipeg, meeting again on subsequent days until matters were closed.

It was decided that informal efforts towards amicable adjustment of the dispute should be made. Representatives of the employer and employees were interviewed at several different times. Of the thirty-seven employees who had been dismissed it was found that about twenty were desirous of returning to work. The company, after consultation, found itself in a position to renew the employment of these twenty men. It

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was willing to restore them to their respective positions in the service and in satisfactory grades of the work in which they had been engaged. Accordingly, the men referred to have resumed work. It does not seem to the undersigned that any good end will be gained by setting forth the controversy at any greater length or by further elaborating this report.

Dated at Winnipeg this 29th day of April, 1912.

(Sgd.) H. A. ROBSON,
Chairman.

(Sgd.) CHARLES P. FULLERTON,

(Sgd.) THOS. J. MURRAY.

SESSIONAL PAPER No. 36a

II.—APPLICATION FROM CERTAIN MEMBERS OF TRAIN SERVICE ORGANIZATIONS EMPLOYED BY THE CANADIAN NORTHERN RAILWAY COMPANY.—SETTLEMENT REACHED PRIOR TO APPOINTMENT OF CHAIRMAN.

Application received—April 29, 1912.

Parties concerned—The Canadian Northern Railway Company and employees, members of Train Service Organizations.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—The proposed displacement of train crews of the Canadian Northern Railway by the Midland Railway Company, which had acquired running rights over the Canadian Northern line from Winnipeg to Emerson.

Number of employees affected—2,000.

Result of Inquiry—Messrs. R. Max Dennistoun, Winnipeg, Man., and L. L. Peltier, Fort William, Ont., were appointed members of the Board on the recommendation of the employing company and the employees respectively. Pending the appointment of a chairman, the department was informed that a satisfactory settlement had been arrived at by the parties concerned.

The dispute between the Canadian Northern Railway Company and the Train Service Organizations grew out of the alleged action of the Canadian Northern Railway Company in leasing running rights over its tracks between Winnipeg and Emerson to the Midland Railway of Canada, and the anticipation that certain Canadian train employees would thereby be replaced by American crews of the Great Northern and Northern Pacific Railway Companies, with which the Midland Company is closely associated. The number of train service employees concerned in the dispute was given in the application as 2,000. Messrs. R. Max Dennistoun, K.C., and Thos. J. Murray, of Winnipeg, were appointed members of the Board on behalf of the company and employees respectively, the latter being later replaced by Mr. L. L. Peltier, of Fort William. Whilst proceedings for this reference under the Industrial Disputes Investigation Act were under way, an order was issued by the Board of Railway Commissioners, notifying the Canadian Northern and Midland Railway companies that the running rights agreement above mentioned had not been submitted to the Board for approval under section 364 of the Railway Act, that the same was accordingly in contravention of the Railway Act and that an order would issue imposing a penalty if the conditions of operation which existed prior to the agreement were not immediately restored, pending submission of the agreement to the Board for approval. At the same time negotiations were in progress between the railway companies and the employees affected for a settlement of the dispute in so far as the complaint of the train service employees of the Canadian Northern was concerned.

On May 16 the Department of Labour received a telegram in the following terms, announcing the conclusion of a satisfactory settlement of the dispute, from W. B. Best, of Winnipeg, representing the employees:—

‘WINNIPEG, Man., May 16, 1912.

‘F. A. ACLAND,

‘Deputy Minister of Labour,

‘Ottawa, Ont.

‘Satisfactory settlement has been arranged between Canadian Northern Railway Company and train service employees.

W. B. BEST.’

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This information was confirmed two days later by the following message from the members of the Board of Conciliation and Investigation:—

‘WINNIPEG, Man., 18th May, 1912.

‘Deputy Minister of Labour,
‘Ottawa, Ont.

‘We are informed by the parties to the dispute between the Canadian Northern Railway Company and train service men that they have arrived at a settlement, particulars of which have not been furnished to us. We are satisfied there is no present need of organizing a Conciliation Board.

L. L. PELTIER.

R. MAX DENNISTOUN.’

A communication in the following terms was also received by the Minister of Labour from the employees’ representatives on May 20:—

‘FEDERATED BOARD, CANADIAN NORTHERN RAILWAY,

‘WINNIPEG, May 16, 1912.

‘HON. T. W. CROTHERS,
‘Minister of Labour,
‘Ottawa, Ont.

HON. SIR,—At a meeting of the Federated Board, the following resolution was unanimously adopted:

“Resolved, the Federated Board representing the four Train Service Organizations on the Canadian Northern Railway, desires to express its appreciation of the efforts made on our behalf by the Hon. R. P. Roblin, premier of Manitoba, and also by the Federal Government officials at Ottawa, resulting in a satisfactory adjustment having been arrived at in connection with the controversy which arose over the displacement of Canadian Northern crews by the crews of the Northern Pacific and Great Northern Railway.

“And be it further resolved, that a copy of this resolution be sent to Hon. R. P. Roblin, Hon. Robert Rogers, Hon. T. W. Crothers, the press and all lodges on Canadian Northern system.”

‘(Sgd.) W. B. BEST,
Chairman.

‘(Sgd.) W. F. METCALF,
Secretary.

SESSIONAL PAPER No. 36a

III.—APPLICATION FROM COAL HANDLERS EMPLOYED BY THE CANADIAN NORTHERN COAL AND ORE DOCK COMPANY, LIMITED, PORT ARTHUR, ONT., MOST OF THEM BEING MEMBERS OF COAL HANDLERS' UNION, LOCAL No. 319.—BOARD ESTABLISHED.—STRIKE OCCURRED.—AGREEMENT CONCLUDED LATER.

Application received—May 8, 1912.

Parties concerned—The Canadian Northern Coal and Ore Dock Company, Limited, Port Arthur, Ont., and coal handlers, most of them being members of Coal Handlers' Union, Local No. 319.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Alleged breach of agreement by company; also demand for increased wages, recognition of union, and yearly conference by the company and employees.

Number of employees affected—90.

Date of constitution of Board—May 22, 1912.

Membership of Board—His Honour Judge John McKay, Port Arthur, Ont., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. George F. Horrigan, Port Arthur, Ont., appointed on the recommendation of the employing company; and Mr. Frederick Urry, also of Port Arthur, Ont., appointed on the recommendation of the employees concerned.

Reports received—July 19, 1912; July 22, 1912.

Result of inquiry—Report of Board was accompanied by a minority report signed by Mr. Urry. The award of the majority of the Board was in favour of the company. The employees refused to accept the same and declared a strike on July 29, which continued until August 4, when an agreement was reached which provided for certain increases in pay and the reinstatement of certain former employees.

The Minister received, on July 19, the report of a Board to which had been referred certain matters in the dispute between the Canadian Northern Coal and Ore Dock Company, Limited, and its employees at Port Arthur, as represented by the Coal Handlers' Union, No. 319. This report, bearing the signatures of His Honour Judge McKay, and of Mr. George F. Horrigan, member appointed on behalf of the company, was followed on July 22 by a minority report of Mr. Frederick Urry, member appointed on behalf of the employees. The matters in dispute related to the terms of employment to replace the terms of an agreement of the previous season, and also to alleged unfair discrimination by the company in the dismissal of certain employees. The Board found that the scale of wages paid by the Canadian Northern Coal and Ore Dock Company was more favourable to its employees than the scale paid by the Canadian Pacific Railway Company at Fort William, and expressed itself of opinion that it was in the interests both of the employees and the company to accept the scale of wages provided in the agreement of June 16, 1911, with the variation that the company should pay 25 cents per hour for work performed during the winter season instead of 22½ cents per hour, and that each of the parties should appoint a representative who, with a third arbitrator chosen by them or appointed

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by the Minister of Labour, could deal with any differences which the parties themselves might be unable to adjust. With respect to the dismissal of certain employees, the Board reported that 'the Company insist on exercising their alleged right to engage such employees as they may deem proper during the year 1912, and the three employees in question appeared to have secured employment elsewhere, one of them at least at equally satisfactory employment.'

Mr. Frederick Urry, in his minority report, dissented from the view that the scale of wages paid by the Canadian Northern Coal and Ore Dock Company was more favourable than that of the C. P. R. Company, and declared himself convinced that the employees concerned were justified in asking for the same rates of wages and conditions of work as obtained at the C. P. R. coal docks. Mr. Urry also favoured the reinstatement by the company of the three workmen named in the application as being formerly in its employ.

The text of the report and minority report, respectively, were promptly communicated by the department to the parties concerned, a reply being received on July 22 from the employees' representatives to the effect that the coal handlers had considered the Board's report and decided that there could be no adjustment so far as the men were concerned on this basis, but that the minority report would be satisfactory to them.

A communication was received in the department on July 30 stating that the majority report of the Board was satisfactory to the Canadian Northern Coal and Ore Dock Company. On July 29 a large number of men in the company's employ ceased work, and on the same evening a riot occurred in the neighbourhood of the coal docks, in which the chief of police and several others were seriously injured. A detachment of the 96th Regiment was called out on the following day on requisition of the local authorities. The militia force in question was very shortly afterwards reduced in numbers, and on the 31st instant the situation was regarded as sufficiently in hand to permit of the withdrawal of the militia. The department was informed on August 4 that terms of settlement had been agreed upon between the parties, and that the men had returned to work.

REPORT OF BOARD.

The text of the findings of the Board of Conciliation and Investigation in the above matter is as follows:—

In the matter of the Industrial Disputes' Investigation Act, 1907, and of the dispute at the City of Port Arthur, between the Canadian Northern Coal and Ore Dock Company, Limited, employers, and the said company's employees as represented by the Coal Handlers' Union, No. 319, employees.

To the Honourable the Minister of Labour, Ottawa.

The Board of Conciliation and Investigation appointed herein under the provisions of the above-named Act and composed of George Francis Horrigan, of the city of Port Arthur, recommended by the company, Frederick Urry, of the same place, recommended by the employees, and His Honour Judge McKay, of the same place, appointed by the Minister of Labour, as chairman of the Board, beg to report as follows:—

By mutual agreement we met on the 23rd day of May, 1912, subscribed and took the oaths of office and held two sittings on that date.

The Board met on the 24th and 25th about a settlement of the differences between the said company and its employees, but did not succeed in doing so.

On the 27th and 28th days of May evidence was received on behalf of the employees of the company regarding the rate of wages paid, and on the 29th and 30th days of May, evidence was received in reply on behalf of the company.

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An adjournment was then made until the 3rd day of June to enable the employees to consider, at a meeting of the union, a probable basis of settlement.

On the 3rd day of June, after a full discussion with the representatives of both parties, it was decided to receive further evidence on the 11th day of June as to the comparative monthly wage received by the employees during 1911 engaged with the three principal companies handling coal at Port Arthur and Fort William.

On the 11th day of June evidence was received showing that the average monthly cheque paid to the employees of the Canadian Northern Coal and Ore Dock Company, Limited, was greater by over ten per cent than the monthly wages paid to the employees of the Canadian Pacific Railway Company at the city of Fort William.

On the 12th day of June the proposed basis of settlement was considered and submitted to the consideration of a meeting of the union again.

The Board met on the 15th of June, but as the union had reached no decision the meeting adjourned until the 17th of June, when the proposed basis of settlement was not accepted and it was decided to take evidence as to the dismissal of certain employees of the company.

On July 6th evidence was received on behalf of the company as to the dismissal of certain employees, and on July 8 evidence was received on behalf of the employees in reply thereto.

On the evidence adduced under oath before the Board we find as follows:—

(1.) The Canadian Northern Coal and Ore Dock Company, Limited, through their representatives, advised the representatives of the employees on the 15th day of January, A.D. 1912, that they were ready and willing to enter into an agreement for 1912 similar to the agreement entered into on the 16th day of June, A.D. 1911, pursuant to the terms thereof, but the representatives of the employees declined to accept those terms and requested the said company to agree to pay for boat work, 32½ cents an hour; for cable work, 27½ cents an hour; for car work, 27½ cents an hour; and for dock work, 25 cents an hour, all the year around; time and a half for overtime, and double time on Sundays and for boat work from 12.00 p.m. till 6.00 a.m., which was not assented to by the representatives of the company.

Subsequently the representatives of the company advised Mr. Mike Pento, one of the representatives of the employees, that they would at any time consider the question of wages or any other grievance with any of the employees of the company, but would not meet Mr. M. Pento or Mr. Ross, who were no longer employees of the company.

None of the employees of the company requested an opportunity of discussing the questions with the company's representatives subsequently thereto.

The said company are paying their employees the rate of wages stipulated in the said agreement bearing date the 16th day of June, A.D. 1911.

While the Canadian Pacific Railway Company pay 27½ cents per hour to about 200 men for dock work and 32 cents per hour to about 40 men for boat work, yet they pay only 25 per hour to about 50 or 100 men on the coal dock performing dock work, and only 20 cents per hour to about 300 men engaged elsewhere in loading coal into cars at the city of Fort William; and they employ on the coal dock a day and a night shift and pay very little overtime to any of these employees.

The Canadian Northern Coal and Ore Dock Company, Limited, pay during the navigation season 25 cents per hour for all dock work, and 30 cents per hour for boat work, and one and a half time for work performed on Sundays and for work performed between seven o'clock in the evening and six o'clock in the morning, and only employ a day shift, and consequently the employees perform considerable more work after seven o'clock in the evening, receiving therefor one and one-half time, and accordingly are paid each month on an average over one-tenth higher monthly wages than the employees of the Canadian Pacific Railway Company.

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Under this arrangement the company is encouraged to have most of its work done during the day time.

In our opinion the scale of wages paid by the Canadian Northern Coal and Ore Dock Company, Limited, are more favourable to the employees than the scale paid by the Canadian Pacific Railway Company to their employees.

The Canadian Northern Coal and Ore Dock Company, Limited, is interested in the unloading and loading of coal while the Canadian Pacific Railway Company is also interested in transporting coal to the city of Winnipeg, and the evidence would indicate that the thirty cents per ton paid for unloading out of the boats and onto the cars allow a small margin of profits on the capital invested in the docks and plant, after the wages of the employees are paid.

(2.) On two occasions during 1911 the employees went on strike for about one hour, and the officers of the company appeared to be of the opinion that M. Pento and George Ross were largely responsible for these difficulties, but continued them and Nicola Ciacco in their employment during the season of 1911 as long as they had work for them to do, but on March 30, 1912, intimated that their services would not be required any longer.

There was no direct evidence adduced proving that the said employees were responsible for the said strikes or that they threatened any of the men that they would be dismissed if they did not join the union.

The company insist on exercising their alleged right to engage such employees as they may deem proper during the year 1912, and the three employees in question appeared to have secured employment elsewhere, one of them at least at equally satisfactory employment.

As the company are willing to renew the agreement of June 16, 1911, and to meet at any time any of their employees as representatives of the union or of the employees to consider any changes or alleged grievances and to have same considered by a Board of arbitration in the event of a settlement not being arrived at, in our opinion it is in the interest of the employees and of the company to accept the scale of wages provided for in the agreement of June 16, 1911, with the variation that the company should pay 25 cents per hour for work performed during the winter season instead of 22½ cents per hour, and that both parties appoint a representative who, with a third arbitrator chosen by them or appointed by the Minister of Labour, could deal with any difference which the representative of both parties might fail to agree upon.

All of which is respectfully submitted.

Dated this sixteenth day of July, A.D. 1912.

(Sgd.) JOHN McKAY,
Chairman.

(Sgd.) G. F. HERRIGAN.

MINORITY REPORT.

The text of the minority report of Mr. Frederick Urry in the above matter is as follows:—

In the matter of the Industrial Disputes' Investigation Act, 1907, and of the dispute at the city of Port Arthur, between the Canadian Northern Coal and Ore Dock Company, Limited, employers, and the said company's employees as represented by the Coal Handlers' Union, No. 319, employees.

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The Honourable the Minister of Labour, Ottawa.

Being unable to agree to the findings of the Board appointed to investigate the differences between the Canadian Northern Coal and Ore Dock Company, Limited, and their employees engaged as coal handlers, I, Frederick Urry, report as follows:—

In my opinion, the report of the Board does not take into sufficient consideration the evidence submitted during the investigation, except for one point, viz., the larger monthly cheque received by the men working for the Canadian Northern Coal and Ore Dock Company, Limited. This point I will deal with in its proper place.

I would direct attention in the Board's report to the fact that, before any evidence was heard, the men were asked if they would agree to the 1911 agreement with one concession added, and after all the evidence had been heard the Board still suggests a settlement on these terms, notwithstanding the fact that two other companies are paying higher rates of wages per hour than the Canadian Northern Coal and Ore Dock Company, Limited, while the cost of living and local conditions are the same to the employees of all the coal handling companies.

For convenience of comparison, I will follow the order set down in the report of the Board and deal with the evidence submitted to the Board as it appeals to my judgment.

After the preliminary meetings for the formation of the Board and the attempt to get the parties to the dispute to a settlement, the Board met on the 27th and 28th days of May to take evidence on behalf of the men, and on the 29th and 30th of May evidence was received in reply on behalf of the company.

An adjournment was made until the 3rd of June for the employees to consider a basis of settlement by which the terms of 1912 would be the same as 1911, with the exception that the rate of pay for the winter months would be 25 cents an hour instead of 22½ cents an hour.

I met the Coal Handlers' Union at their regular meeting on Sunday morning, June 2, and laid the proposed terms before the men, and after thorough discussion it was unanimously decided not to accept the terms offered, as they were considered too meagre.

On the 3rd day of June I reported this decision to a meeting of the Board and that report was confirmed by Messrs. Pento, Ross and Ciacco, the representatives of the union. The manager of the company, who was present, not being able or willing to make any further concession, it was decided to take more evidence.

In the absence of the chairman, meetings were adjourned until June 11 to receive further evidence.

After hearing the evidence on the 11th of June, the Board met again on the 12th and discussed a proposed basis of settlement to present to the men. The employees were to be asked to consider the following terms: The rates of pay to be the same as 1911 with the exception that the rate during the winter months to be 25 cents an hour instead of 22½ cents an hour, and that the employees consent to the withdrawal of their president, secretary and treasurer, as under the terms of the new agreement the company did not consider them employees and did not intend to re-engage them, and would only deal with the employees.

Messrs. Pento, president of the union, Ross, secretary, and Ciacco, treasurer, agreed to call the union to a special meeting and lay these terms fairly before the men, advising the men that they, as officers of the union, would secure work elsewhere. The men asked me to be present at the union and the special meeting was called for June 14, but owing to work being in process at the dock only about 50 men were present and these deemed the question too important to be dealt with by them in the absence of their fellow workers.

The Board met on June 15 as agreed and adjourned until the 17th, on hearing the cause of having no report from the men to consider.

The men met at their regular meeting on Sunday, June 16. There was a large attendance and the conditions submitted were discussed. Mr. M. Pento placed the questions fairly before the men in my presence and a free discussion took place, especially relating to the refusal of the company to employ the three officers of the union, who were experienced men and had worked for a number of years on the dock.

The men came to the unanimous decision that this was discrimination against the union, and therefore they would not consent to sacrifice their officers for their own gain, but asked that reasons should be submitted as to why M. Pento and Geo. Ross and Nicholas Ciaccio should be discriminated against, and these men were asked to still represent them until evidence had been placed before the Board proving their guilt to the charges made against them by the manager of the company.

On June 17 the decision of the union was reported to the Board and it was decided to take evidence as to why Messrs. Pento and Ross had been dismissed.

Owing to the absence from the city of the chairman, the meetings were adjourned until July 6.

On Saturday, July 6, evidence was received on behalf of the company as to the dismissal of Messrs. Pento and Ross, and on Monday, July 8, evidence was received on behalf of the employees.

On the evidence adduced under oath before the Board, I find as follows:—

(1) The Canadian Northern Coal and Ore Dock Company, Limited, through their representatives, advised the representatives of the employees, Messrs. Pento, Ross and Ciaccio, that on the 15th day of January, 1912, they would be ready to enter an agreement for 1912 similar to the agreement entered into on the 16th day of June, A.D., 1911, pursuant to the terms thereof.

The representatives of the employees met the representatives of the company at the company's office on January 15, and after hearing the terms proposed, declined on behalf of the men to accept them, but respectfully submitted a working schedule that would be agreeable to the men on the following terms:—

For work on the boats.. . . .	32½c. per hour.
" " cables	27½c. "
" " cars	27½c. "
" " docks.. . . .	25c. "

all the year round; time and a half for overtime and double time on Sundays and for boat work from 12 p.m. till 6 a.m.

The manager of the company, Mr. Jorpland, was not present at the meeting on the 15th of January, Mr. G. F. Horrigan representing him, but having no authority to discuss different terms with the representatives of the men from those submitted by the company the meeting was adjourned. Subsequently Mr. Jorpland refused to meet the representatives of the men, alleging that they were no longer employees of the company, although they had received no dismissal from the company.

Under the circumstances, the men asked Mr. Andrew Boyd, who was their representative on the Board of Investigation in 1911, to intervene and endeavour to secure an interview with the management on their behalf. This he kindly consented to do, but on making inquiry by 'phone his good offices were declined by Mr. Jorpland.

Eventually Mr. M. Pento received a letter from Mr. Jorpland, dated March 30, in which he said that Messrs. Pento, Ross and Ciaccio were no longer employees of the company and refusing to meet them on behalf of the men, and making charges against Messrs. Pento and Ross of inciting the men to insubordination and causing strikes on the dock contrary to the terms of the agreement of 1911.

After this the employees of the company in the Coal Handlers' Union made application to the Labour Department to have these charges and the rates of wages for 1912 investigated.

(2) In regard to the evidence *re* rates of wages, I find that the rates paid by the Canadian Northern Coal and Ore Dock Company, Limited, are the lowest rates of pay

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for this class of work paid in this district. Their rates being for work on the boats, 30 cents an hour; for car-loading machine work, cable work and dock work, with three men to each car-loading machine, 25 cents an hour.

On the Canadian Pacific coal dock the rates are for work on the boats, 32 cents an hour, for car-loading machine work, with four men to each machine, 27½ cents an hour, and for dock work, 25 cents an hour.

The Fort William Coal Dock Company, Limited, pays its employees for boat work, 32 cents an hour, and for car-loading machine work, with three men to the machine, 27½ cents an hour, and the same for work on the dock.

At the C. P. R. coal docks there are about 400 men working under agreement, while, owing to the difficulties under which that company is at present operating, some 300 men are employed in coal handling outside the docks at 20 cents an hour. These men are not working under any agreement, and sometimes load the cars by contract.

The Canadian Northern Coal and Ore Dock Company employ no class of men similar to these, as they have not to work under similar difficulties.

The system of overtime on the C. P. R. docks and the C.N. docks differs.

On the former overtime is not reckoned until a worker has worked 10 hours either day or night, while on the latter all work between 7 p.m. and 6 a.m. is paid for at time and a half rates.

The C. P. R. system ensures steady work for the men with the minimum amount of overtime. The C. N. Coal and Ore Dock method makes steady day work more uncertain and increases the night work, as evidenced by the higher returns in the monthly cheque, and causes the men to spend long hours on the dock. In the evidence one instance was given of a man drawing as much as \$133 in one month. Reckoning 25 working days to the month, this man had to work more than 15 hours a day straight time to secure that sum and would be credited for 18 hours a day on a time and a half basis for overtime.

It was significant that in the whole eight months of dock work during navigation, this man's name did not figure again as drawing a large cheque. Physical exhaustion is apt to follow such an output of vital energy.

The Board's report makes much of the fact that the monthly pay cheque on the Canadian Coal and Ore Dock is about 10 per cent higher than that on the other docks, but does not mention the longer hours, and also the fact that the men who drew the highest cheques made a yearly income of a little over \$700 or an average of some \$60 a month.

The men, as practical coal handlers, favour the C. P. R. method, as giving them a more steady run of work, but, in my opinion, the Board has, in its report, ignored the evidence in favour of this method and advises for the long hours.

The system of handling coal both by the Canadian Northern Coal and Ore Dock Company, Limited, and the Fort William Coal Dock Company, Limited, is vastly more economical than that in vogue on the C. P. R. coal dock where the machinery is antiquated and more men are required to handle the same amount of coal, while the limited capacity of the dock area makes it even more difficult for that company to work with economy, but in spite of all these difficulties their pay rates are better than those of the Canadian Northern Coal and Ore Dock Company's to the men under agreement.

A comparison between the Canadian Northern Coal and Ore Dock Company and the Fort William Coal Dock Company for economy of handling coal is in favour of the former company on account of its situation in the midst of a labour market, whereas the latter company has to depend on men coming from a long distance; this no doubt, accounts for the fact that the minimum rate on that dock is 27½ cents an hour.

In regard to the statement in the Board's report 'that the evidence would indicate that the 30 cents per ton paid for unloading out of the boats and into the cars allow a

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small margin of profit on the capital invested in the docks and plant after the wages of the employees are paid,' the evidence submitted, to my mind, was not sufficient to form a sound judgment upon, for it consisted of one statement made by one of the superintendents that in his opinion there was a small profit on the work.

In any case the C. P. R. Company are laying down a new modern plant at Fort William and the Canadian Northern Coal and Ore Dock Company are doubling their plant at Port Arthur, and these movements do not indicate that the business is run on a very narrow margin.

(3) In regard to the evidence submitted by the Canadian Northern Coal and Ore Dock Company in respect to the charges against Messrs. Pento and Ross, I think the Board's report should have reviewed the facts brought out in the evidence. This should have been done in justice to the men. I take the evidence of the company's officials in this review and rest on that alone to exonerate the men from blame in the instances charged against them.

Soon after the agreement of the 16th of June, 1911, was signed, the manager of the company gave orders that in the future three men only should work on each car-loading machine instead of four; the foreman, accordingly, gave notice to the men of the intended change, but only on the night before the change was to be made the following day.

The next morning on arriving at the dock about 7.15 he, the foreman, found the men standing idle and the plant held up. After about an hour the men went to work under the new order, three men doing the work that had previously been done by four men, without receiving any extra pay. The fourth man laid off each machine was found other work on the dock. There was no evidence to show that either Mr. Pento or G. Ross had anything to do with this stoppage of the plant for about one hour, but by making this arrangement the company saved \$2.50 a day in their working expenses on each machine, and while it is true the men who formerly worked on the machine were found other work, these men displaced other men and the company made a clear gain in economy, and, in my opinion, the men were justified in thinking this action looked like a violation of the agreement recently signed and were right in seeking an explanation.

The men have given no trouble since the latter end of last June or the beginning of July, and the company effected a considerable saving for the expenditure of about one hour's loss of time on the working of the plant, for, on a ten-hour day they gained about \$1,200 up till the close of navigation without reckoning the gain made when working overtime, and the evidence of the men's monthly cheques proves that a good deal of night work would be done.

The foreman's evidence clearly showed that neither Pento nor Ross were responsible for this strike, as the manager terms it.

Another case in which Messrs. Pento and Ross were charged with being involved was that in which a union man was discharged from the North Tract. He went to work again without orders in the boat, and when discharged from there the other men at work in the boat quit with him. The foreman sent them all back to work rather than have any stoppage, and reported the case to the manager. On this occasion work was stopped for a few minutes only and neither Messrs. Pento nor Ross were present at the time. The man in question was discharged by the manager, and the men acquiesced in the decision, and there was no further trouble in that case.

A third charge that the union officials were intimidating non-union men was not substantiated by any evidence, but the evidence showed, on the contrary, that the union men had never refused to work with non-union men; it also showed that the manager and foreman did not know who were or who were not union men, except in the case of Messrs. Pento, Ross and Ciaacco, and these were known because they were elected as a committee to represent the employees.

This review of the evidence given by the company's witnesses to prove the grave charges levelled against these men of inciting men to acts of insubordination shows that the charges fall to the ground.

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With regard to the first incident, considering that three men were asked to do the same amount of work that four had previously done, it was only natural that the men should seek an explanation; they may have been under the impression that the men not wanted on the machines would be discharged; this did not come out clearly in the evidence. It seemed simply a question of want of information, and the company got their men back to work on their own terms when some explanation was given.

Summary.

Taking into consideration the foregoing evidence and the following facts:—

(1) That the cost of living has gone up 9 per cent since the last agreement was signed.

(2) That the rise in land values has increased the assessment of property and rates and rents are higher.

(3) That the Canadian Northern Coal and Ore Dock Company, Limited, handle their coal more economically and more expeditiously than the C. P. R. coal dock, and more advantageously, because of situation, than the Fort William Coal Dock Company, Limited.

(4) That the men have been loyal to the agreement they signed June 16, 1911, and have never violated any clause thereof.

(5) That the company changed their operation in the car loading after signing the agreement last year, whereby they made a saving of \$2.50 a ten-hour day per machine, and the increase the men ask in this department is only 25 cents per ten-hour day per machine.

(6) That the conditions of living are the same in Fort William and Port Arthur.

I am convinced the men are justified in asking for the same rates of wages and conditions of work as those obtaining at the C. P. R. coal docks.

It will also be to the interests of the company, in my judgment, to pay these rates. There has been no valid reason given why these rates should not be paid, but much evidence in favour of a uniform rate of pay for the same class of work, and there is likely to be friction and unrest while the present unequal conditions prevail.

With regard to the dismissal of Messrs. Pento, Ross and Ciacco by the manager, I think, in common fairness, having regard to the evidence, the company should show a magnanimous spirit and reinstate these men, on the face of it, considering the evidence of the manager and foreman that they do not know who are union men and who are not, these three they do know to be chosen officers of the union, and how can they expect the men to consent to the dismissal of their officers and elect other three to represent them?

What guarantee have the men that as soon as the manager receives the names of three other men who are also members of the union that he will not dismiss them when he pleases?

I trust the company will give this question the serious attention it deserves in view of future good relationships.

In these days when all moral men profess a regard for the sanctity of the Sabbath, and that one day's rest in seven should be the right of every man, I think the men are right in asking double pay if they have to work on Sundays.

In conclusion allow me to thank the other members of the Board for the courteous manner in which they listened to my objections and arguments against their report, and to express my regret that they could not see their way to look at the economic position of the men struggling to live on an average wage of less than \$700 a year, because they apparently had their minds fixed on the alleged small margin of profits the company were supposed to be making. If profits can be made only by taking the necessary commodities of life from the worker, then there should be a readjustment somewhere else in the management of the industry.

Respectfully submitted,

July 18, 1912.

(Sgd.)

FREDERICK URRY.

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IV.—APPLICATION FROM STREET RAILWAY EMPLOYEES, MEMBERS OF THE AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC RAILWAY EMPLOYEES OF AMERICA, DIVISION No. 279, EMPLOYED BY THE OTTAWA ELECTRIC RAILWAY COMPANY. —BOARD ESTABLISHED.—UNANIMOUS REPORT.—AWARD ACCEPTED BY BOTH PARTIES CONCERNED.

Application received—May 9, 1912.

Parties concerned—The Ottawa Electric Railway Company and Street Railway Employees, members of the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 279.

Applicants—Employees.

Nature of industry concerned—Street railways.

Nature of dispute—Refusal of Company to accept terms proposed by the employees providing for increased wages, shorter hours, and improved working conditions.

Number of employees affected—425.

Date of constitution of Board—May 18, 1912.

Membership of Board—Honourable Mr. Justice J. M. McDougall, Aylmer, Que., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. Travers Lewis, K.C., Ottawa, Ont., appointed on the recommendation of the employing company; and Mr. P. M. Draper, Ottawa, Ont., appointed on the recommendation of the employees concerned.

Report received—June 13, 1912.

Result of inquiry—A unanimous report was presented by the Board making certain recommendations, for the settlement of the dispute, which were accepted by both parties concerned.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

109 HOPE BUILDING,

OTTAWA, June 12, 1912.

In the matter of the 'Industrial Disputes Investigation Act,' and differences between the Ottawa Electric Railway Company and its street railway employees.

The Hon. T. W. CROTHERS, K.C.,
Minister of Labour, Ottawa.

The Board of Conciliation and Investigation, under 'The Industrial Disputes Investigation Act,' constituted last month and consisting of the Hon. Mr. Justice McDougall, the chairman appointed by the Department of Labour, Mr. P. M. Draper, the representative of the employees, and Mr. Travers Lewis, K.C., the representative of the company, begs to report as follows:—

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The proposals put forward by the employees were embodied in 29 sections of a form of agreement which the employees proposed should be entered into by the company and the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 279, and were as follows:—

‘Sec. 1. The company agrees to meet and treat with a duly accredited committee of the association on questions and grievances arising between them, and any dispute or grievance between the parties hereto which cannot be amicably settled, the same shall be submitted to a Board of Arbitration at the request of either parties; said Board of Arbitration shall consist of three disinterested persons, one to be selected by the company, one by the association, and the two thus chosen shall select a third within three days after their appointment. Failing to agree, the third person shall be selected by the Minister of Labour. The finding of such Board shall be binding on both parties to this agreement.

‘Sec. 2. For motormen and conductors, all runs shall be divided into regular and relief runs, and shall conform as nearly as possible to a nine-hour day.

‘Sec. 3. All motormen and conductors shall have their respective places on the lines to which they are assigned in accordance with their continuous employment in the service of the company, and men longest in the continuous service as motormen and conductors shall have first choice of runs, and so on down the list until all vacancies are filled. The right of seniority to such runs shall be granted as often as the Board or schedule is changed.

‘Sec. 4. Employees who are officers of this association, or acting upon its committees, or delegates to conventions, shall, during such term of office, enjoy preference over other employees in securing leave of absence for the purpose of transacting business for the association or attending conventions.

‘Sec. 5. Clothing for conductors and motormen shall consist as follows:—

“Summer—Full suit, coat, vest and trousers;

“Winter—Trousers every year, overcoat every second year.

“All conductors and motormen must be so provided; company to pay full cost of such clothing for all men in the service over one year, and half the cost of those in their first year. Uniform caps and badges will be supplied by the company without charges.”

‘Sec. 6. In the case of an employee being guilty of violating the rules of the company, he shall be warned, when off duty by the superintendent against a recurrence of the same offence, and in the event of the employee being suspended his case shall be dealt with by the superintendent, save that any employee suspended or discharged shall have the right to appeal to the president in person, or through the duly appointed officers of committee of the association.

‘Sec. 7. Any employee suspended or discharged, and who, upon investigation, is found not guilty of sufficient cause to warrant such suspension or discharge, shall be reinstated to his former position and be paid in full for all lost time caused by such suspension or discharge.

‘Sec. 8. That cars shall be sent out each morning and night for the purpose of conveying employees to and from their work. Said cars to be run on Somerset, Bank, Hull, Sussex, St. Patrick and Gladstone lines.

‘Sec. 9. The company shall provide suitable seats for motormen and conductors on all cars, and, where seats of a fixed design are used, said seats shall be placed in a position where it is convenient for motormen's and conductors' use in the proper discharge of his duty.

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'Sec. 10. All cars shall be equipped each morning before taken out, with sand, switch bars, brooms, dusters, or any other necessary article; and all cars, cushions and windows shall be cleaned and in proper condition to go upon the street each morning, said equipping and cleaning of cars to be done by shed men employed for that purpose.

'Sec. 11. Employees shall be given free transportation at all times, and on all lines of the Ottawa Electric Railway.

'Sec. 12. That the company will not call on any conductor or motorman to perform extra work in excess of his regular schedule day's work of nine hours, except in cases of necessity. Men will not be expected to work beyond a full day's work unless they are agreeable to do so.

'Sec. 13. Motormen and conductors who consent to run extras or trippers before or after day's work shall be paid double time for same.

'Sec. 14. All spare men showing up at shed in the morning at 6 a.m. shall be allowed one hour for same.

'Sec. 15. All conductors, motormen, shop, shed and line men who work upon Sundays shall be booked off one day through that week, making a week's work consisting of six (6) days.

'Sec. 16. Canopy switches to be placed in all cars, over or near controllers.

'Sec. 17. Conductors and motormen required to work on the following holidays, viz.: New Year's Day, 24th May, Dominion Day, Civic Holiday, Thanksgiving Day, Labour Day, Christmas Day, will be paid at the rate of time and one-half, Exhibition Time included.

'Sec. 18. That conductors will be supplied with tickets and change to the extent of twenty-five dollars (\$25).

'Sec. 19. Employees to be permitted to post notices of meetings or other matters on the bulletin board in office.

'Sec. 20. That all cars in service, also car shops and sheds, be heated to a temperature of 55 degrees during winter months, viz., November, December, January and February.

'Sec. 21. In case of an employee being elected to the position of business agent for the employees, said employee shall be granted one year's leave of absence, to be renewed should he be re-elected. And in the event of him declining or being defeated in election, he shall be reinstated in his position without loss of seniority rights, and his successor shall be granted the privileges outlined above.

'Sec. 22. Wages: Thirty cents per hour for week days, work performed between 6 a.m. and 12 (midnight); thirty-two cents per hour for Sundays; thirty-four cents per hour between 12 (midnight) and 6 a.m.

'Sec. 23. Nine hours shall constitute a day's work for all shop, shed, and line men, with one hour allowed off for dinner. All time worked in excess of this shall be paid at the rate of time and a half. However, no employee shall be required to work more than the regular day's work of nine hours, except in cases of necessity. All present shop rules to remain in force.

'Sec. 24. Sunday work shall be paid at the rate of double time, and no man shall work unless on his regular turn. Should he do so, he will be paid at the regular rate, unless asked by the representative of the company; present shop rules to remain in force.

'Sec. 25. Should any day employee be required to work all night, he shall be paid double time from 6 p.m. until 6 a.m.

'Sec. 26. Shop, shed and line men shall be paid time and a half for work on all legal holidays.

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'Sec. 27. A flat rate of five cents per hour increase for every man employed in the sheds and workshops, and line men.

'Sec. 28. That the company will not discriminate against any employee by reason of his being a member of Division 279.

'Sec. 29. This agreement and the provisions thereof, shall continue in force and be binding on the respective parties hereunto until May 1, 1913, and from year to year thereafter, unless changed by the parties hereunto. Either of the parties hereunto desiring a change in any section or sections of this agreement shall notify the other party in writing of the desired change thirty days prior to the ending of each year, which is the 1st day of May. Under such notice this agreement shall be opened to consider the change or changes desired.'

The reply thereto of the company, prior to the formation of the Board, was contained in the following memorandum:—

'The company declines to enter into an agreement with a union on matters relating to the conduct or management of its business. This is the answer to fourteen of the twenty-two requests involving that principle, presented by representatives of the conductors and motormen. Six of the remaining requests are already in force, and the other two, viz., rate of wages and hours of work, the company is prepared to discuss with a committee of conductors and motormen.'

At the sittings of the Board, after its organization, the company was represented by Messrs. James E. Hutcheson and J. D. Fraser, while the employees were represented by Messrs. Magnus Sinclair, Charles Ryan, and James O'Brien, there being also several other employees of the company present throughout the sittings for the purpose of affording information.

The Board held twelve sittings, carefully inquiring both into the dispute and into all matters affecting it. All persons on both sides so desiring were heard at length by the Board, and lengthy statements and information, both verbal and written, were advanced both on behalf of the company and of the employees, in support of their respective views, covering the disputes in question. In this way, and by all other means at its disposal, the Board has endeavoured to fully and carefully ascertain all the facts necessary for consideration.

The proposals of the employees, above set out, may be grouped or classified as those relating to (a) increase of rates of pay, (b) the hours of work, (c) recognition of the association, and (d) other rules and conditions of employment not included in the foregoing.

One result of the inquiries of the Board is that it appears that eight of the demands of the employees, coming within class (d), are now in practical operation and substantially in force. These are Nos. 5, 7, 8 (subject to selection of streets by the company); 10, 11, 14, 18, and 28.

Of these, No. 5 relates to the supplying of clothing, etc., to conductors and motormen by the company; No. 7 to terms of reinstatement of suspended or discharged employees who may be found guiltless after investigation; No. 8 to the furnishing by the company of cars to convey employees to and from their work (this being, however, subject to the selection by the company of the lines on which such cars run); No. 10 to the equipment and cleaning of cars; No. 11 to the free transportation at all times of employees on the company's lines; No. 14 to the allowance to spare men reporting early for duty; No. 18 to the supplying of conductors with tickets and change to the extent of \$25; and No. 28 to non-discrimination against employees as members of the association.

As mentioned in the report of a like Board, presided over by Prof. Adam Shortt in 1908, from the observations of this Board and statements made at its sittings, it was evident that the Ottawa Electric Railway Company takes much interest in its men

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and provides for their comfort and convenience in a very generous manner; and that consequently it has an exceptionally capable and well-set-up body of men, who provide an excellent public service.

It was claimed, however, by the employees that the increased cost of living rendered it difficult for them to meet their requirements upon the present wage scale, and that they considered that the working day should consist of nine hours, at the increased scale of pay above set out.

The company, on the other hand, pointed to the rates of pay and conditions of employment prevailing in similar kinds of work throughout eastern Canada and the United States, maintaining that the ten-hour day was the general rule, and that the company was now paying higher wages than similar companies in Montreal, Quebec, Halifax, St. John, London, or Hamilton, where the cost of living was as high as in Ottawa, and in some instances higher.

Statements bearing on these points were presented by both sides, and were discussed at length by the Board with the representatives of the parties. It appeared that, as a result of the report of a Conciliation Board in 1908, the scale of pay was then increased 1 cent per hour, or 10 cents per day, and that in 1910 the company voluntarily further increased the rate by $1\frac{1}{2}$ cents per hour, and again since January last 1 cent per hour. Under these circumstances, the company thought no case had been made for a further increase at present.

After much discussion, it was proposed and eventually agreed that the eight items above mentioned coming within class (d) should continue in force, and that the scale of wages be increased, covering a period from 30th instant to 30th June, 1914, and that, in order to effect unanimity, the demands of the employees grouped above under (b) and (c) be waived, the conditions of employment and rules of the company as at present subsisting, including the regulation prohibiting the wearing by the employees while on duty of any badge or emblem on the uniforms supplied by the company, to continue in force meanwhile as hitherto. Although not convinced of the justice of any advance, Mr. Thomas Ahearn, on behalf of the company, ultimately agreed to the proposition in a very generous spirit, thus enabling the Board to make this unanimous report.

The Board therefore recommends and agrees that no action be taken upon the claims above classified or grouped under (b) and (c), but that the following scale of wages take effect from 1st July next until at least the 1st July, 1914, viz.:—

Conductors and Motormen.—1st year's service: $21\frac{1}{2}$ cents per hour for week days; $23\frac{1}{2}$ cents per hour for Sundays; 2nd year's service: $22\frac{1}{2}$ cents per hour for week days, $24\frac{1}{2}$ cents per hour for Sundays; 3rd year's service: 25 cents per hour for week days; 27 cents per hour for Sundays.

With respect to shop, shed and line men, the Board recommends and agrees to an increase of $1\frac{1}{2}$ cents per hour throughout.

Further, as already agreed as a result of the report of the Conciliation Board in 1908, the company will, as heretofore, except in cases of personal dishonesty, meet and treat with individual employees, or a committee of such employees, on grievances or disputes which may arise from time to time between the company and its employees.

By the Board:

(Sgd.) J. M. McDUGALL,
Chairman.

(Sgd.) P. M. DRAPER,
Representative of Employees.

(Sgd.) TRAVERS LEWIS,
Representative of Company.

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V.—APPLICATION FROM COAL MINERS EMPLOYED BY THE INVERNESS RAILWAY AND COAL COMPANY, INVERNESS, N.S.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—AGREEMENT CONCLUDED.

Application received—June 4, 1912.

Parties concerned—Inverness Railway and Coal Company and miners in its employ.

Applicants—Employees.

Nature of industry concerned—Coal mining.

Nature of dispute—Wages, conditions of employment, and retention of dues for the Provincial Workmen's Association.

Number of employees affected—500.

Date of constitution of Board—August 21, 1912.

Membership of Board—Mr. Finlay MacDonald, Sydney, N.S., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Major W. Ernest Thompson, Halifax, N.S., appointed on the recommendation of the employing company; and Mr. J. C. Watters, Ottawa, Ont., appointed on the recommendation of the employees concerned.

Report received—October 9, 1912.

Result of inquiry—A unanimous report was presented by the Board in which it was stated that an agreement had been reached by the parties concerned.

The Minister received, on October 9, the unanimous report of the Board of Conciliation and Investigation to which had been referred for adjustment certain matters in dispute between the Inverness Railway and Coal Company, Inverness, N.S., and coal miners in its employ. The differences in question related to the employees' demand for a reduction of 50 per cent in the rent of certain houses owned by the company, and for improved conditions therein; also for an increase in wages of 15 per cent, and related as well to the question of the retention by the company from the employees' wages of dues for the Provincial Workmen's Association. The number affected by the dispute was given as 500.

In the report of the Board it was stated that an agreement had been arrived at by the parties concerned which disposed of all points at issue, and that the meeting of the Board had been productive of good feeling between the local management and the men.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

SYDNEY, C.B., Sept. 30, 1912.

Re Industrial Disputes Investigation Act, 1907, and *re* differences between Inverness Railway and Coal Company, and coal miners in its employ.

The Honourable T. W. CROTHERS,
Minister of Labour,
Ottawa, Canada.

DEAR SIR,—In connection with the above matter, we have the honour to report that we met at Inverness, according to an appointment, on Tuesday, September 24.

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The Board sat on the 24th, 25th, and 26th, hearing evidence, and devoted all their spare time towards bringing the parties together.

On the evening of Thursday, the 26th, a tentative agreement was reached by the solicitors appearing for the various parties, before the Board, and the Board adjourned to meet again on Saturday, the 28th, to enable both parties to submit proposals to their principals.

The proposed agreement was acceptable to the directors of the company, and to the men, and the final meeting of the Board was held on Monday, September 30.

The basis of the agreement arrived at is as follows:—

(1) The men withdrew their claim for an advance in wages.

(2) The company agree that no off-tax will be deducted from employees' wages for dues of the Provincial Workmen's Association, except where the employees ask to have such deduction made.

(3) A reduction in the rental of the company houses to employees, of One Dollar per month.

(4) Any employee having a grievance shall have the right to present the same to his manager, and in doing so, may be accompanied by a fellow employee, who works in the same section of the mine.

The above agreement covers all points in dispute between the parties, and the meeting of the Board has been productive of good feeling between the local management and the men.

(Sgd.) W. E. THOMPSON,
 Representing the Company.

(Sgd.) J. C. WATTERS,
 Representing the Miners.

(Sgd.) FINLAY MACDONALD,
 Chairman.

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VI.—APPLICATION FROM STATION AND TELEGRAPH SERVICE EMPLOYEES, MEMBERS OF THE ORDER OF RAILROAD TELEGRAPHERS, EMPLOYED BY THE CANADIAN PACIFIC RAILWAY COMPANY.—BOARD ESTABLISHED.—NO CESSATION OF WORK.

Application received—June 28, 1912.

Parties concerned—The Canadian Pacific Railway Company and employees in station and telegraph service, members of the Order of Railroad Telegraphers.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Wages and amendment of conditions of service.

Number of employees affected—Directly, 1,800; indirectly, 8,000.

Date of constitution of Board—July 22, 1912.

Membership of Board—Mr. Peter McDonald, Woodstock, Ont., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. J. E. Duval, Montreal, Que., appointed on the recommendation of the employing company; and Mr. J. G. O'Donoghue, Toronto, Ont., appointed on the recommendation of the employees concerned.

Reports received—September 4, 1912; September 6, 1912.

Result of Inquiry—Report of Board was accompanied by a minority report signed by Mr. J. G. O'Donoghue. The majority report was accepted by the company but was not accepted by the employees concerned. As a result of further conferences between the parties an agreement was reached, effective regarding wages from August 1, 1912, and hours, overtime rates, and other changes from October 1, 1912. The threatened strike was thereby averted.

The Minister received, on September 4 and 6, respectively, the majority and minority reports of the Board of Conciliation and Investigation appointed to inquire into certain differences between the Canadian Pacific Railway Company and employees in station and telegraph service, members of the Order of Railroad Telegraphers. The points at issue related to the employees' demand for amendment of the existing conditions of service and for an increase of 15 per cent in wages, the number concerned being 1,800 directly and 8,000 indirectly.

The Board in its report recommended that an amount of 10 per cent, computed upon the aggregate sum produced by the present earnings, as set forth in the Canadian Pacific Railway Company's schedule of July 1, 1910, should be granted, such increase to be divided among the train despatchers, agents and operators, and line-men. Mr. O'Donoghue, however, dissented from the findings of the Board and stated that, in his opinion, the 15 per cent asked for should be granted, as well as all other demands made by the men.

On September 4 the department was advised by the Canadian Pacific Railway Company of the latter's acceptance of the Board report. The report was not, however, acceptable to the general committee of the employees, and information was received by the Department of Labour indicating that a strike was likely to occur unless a settlement was reached by negotiation between the parties. The Minister of Labour visited Montreal on September 17 to personally inquire into the matters in dispute, and to lend his good offices in promoting an amicable adjustment of the outstanding differences. Ensuing negotiations between the company and a committee of employees lasted several days and resulted in an agreement on all points at issue.

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WORKING AGREEMENT REACHED.

The agreement, which showed concessions by the company greater than those recommended by the Board, was as follows:

Agreement as to rules and wages between the Canadian Pacific Railway and Railroad Telegraphers, effective from August 1st, 1912.

The following rules and wages will govern the telegraphers on the Canadian Pacific Railway:—

When additional telegraphers' positions are created, compensation will be fixed in conformity with that for positions of the same class as shown in this schedule.

Art. 1. All employees assigned by proper authority to railway telegraph or railway telephone service of any character or duration, and also the station agents incorporated in the accompanying schedule of wages, will be considered telegraphers within the meaning of this schedule and are so called herein.

Art. 2 (a.) The right of promotion of telegraphers (except train despatchers and linemen) will extend over each superintendent's district, and will be governed by merit, fitness and ability; where these are sufficient, the senior telegraphers will be given preference, provided that telegraphers (except train despatchers and linemen) of not less than two years' service will, on application, be transferred from one superintendent's division to another on the same general division, within thirty days from date of such application, and when so transferred will be allowed seniority on the new district to the extent of three-fourths their length of service on the said general division. In such case the telegrapher making the transfer will take his place on the extra list, and will have the right to file into bulletined positions as per clause (c) hereof.

A telegrapher applying for a transfer will be given a transfer certificate showing his length of service and the capacities in which he has been employed on the general division, which will be his authority for claiming his seniority on the district to which he is transferring.

This provision will also apply to a telegrapher of not less than two years' service, desiring to transfer from one general division to another, except that in such cases the transfer certificate will not carry with it any seniority rights, but will entitle the holder to the position of junior extra telegrapher on the superintendent's district to which he is transferring.

Transfer certificate will not be valid unless filed with the superintendent of the district to which transfer is being made within thirty days from date of issue.

(b.) A telegrapher's seniority will date from the time he last entered the service as a telegrapher.

The seniority of a telegrapher employed on lines under construction, or absorbed by the company, will date from his last appointment as a telegrapher on such lines. When newly constructed lines are taken over by the operating department, all telegraphers' positions will be considered vacant, and any telegrapher in line of promotion to them will have fifteen days within which to make application for same.

(c.) All vacancies and permanent appointments will be immediately bulletined by a '23' message over the superintendent's district. When vacancies in positions are bulletined, the bulletin will state rate of compensation. Applications for vacancies must be made within ten days from the date of bulletin.

A telegrapher declining to accept promotion in any instance does not forfeit his rights to the same or any other position he may be entitled to under seniority when a vacancy occurs. A telegrapher on leave of absence when a vacancy occurs will not be debarred from claiming position and receiving the appointment on resuming duty, if entitled to it. A vacancy will be filled within thirty days after it occurs, by the appointment of the man entitled to it.

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When a vacancy occurs, the superintendent will fill the same by appointing the senior man, who is, in his opinion, entitled to the position, but this will not prevent any telegrapher senior to the man so appointed claiming his right under clause (a) hereof, to the position, provided he files his protest within ten days after the appointment has been bulletined as above.

(d) Telegraphers in the employ will be given preference in filling vacancies or openings on extensions on new lines of the general division, their applications to be endorsed by the superintendent of the district on which applicants are employed.

(e.) In case of reduction in the number of telegraphers employed, the junior telegraphers on their respective superintendent's district will be first dispensed with. If their services were satisfactory, they will, on application, be given a transfer certificate which will entitle them to preference in filling new positions or vacancies on other divisions of the system, provided they are available when required.

(f.) If a position included in the attached schedule is abolished, the telegrapher will be entitled to the position held by the junior permanently located telegrapher on the superintendent's district.

(g.) A complete list of all telegraphers on each superintendent's district, showing their seniority standing, will be kept on file in the respective train despatching offices, open to the inspection of all telegraphers concerned. This list will be subject to correction on proper representation from any telegraphers, and a copy of it, corrected to date, will be furnished the general chairman at the beginning of each year.

(h.) Telegraphers will have the exclusive right to all positions incorporated in the accompanying wage schedule, and any telegraphers' positions subsequently added, in accordance with the preamble; also to any new telegraphers' positions created by the absorption of other lines or the construction of new lines when vacancies in such positions occur.

(i.) Telegraphers will also be eligible and considered in line of promotion to the position of agent at any of the stations not incorporated in the attached wage schedule, which have been omitted in view of conditions which may make it impracticable or unfair to fill these positions exclusively from one branch of the service.

(j.) The right of promotion of train despatchers will extend over each general superintendent's division, and will be governed by merit and ability, these being sufficient, and senior train despatcher to have preference.

The right of train despatchers to transfer from one district to another will not be permitted when it will seriously impair the efficiency of the service. The order of promotion of train despatchers will be from senior relieving despatcher to trick despatcher.

The seniority of a train despatcher will date from the time he was first appointed a trick despatcher, unless by his own consent he takes another position in the service, under which circumstances his seniority as a train despatcher will date from the time he was last appointed a trick despatcher. A train despatcher will retain his seniority standing in the ranks of the agents and operators.

Relieving train despatchers will be appointed from their respective superintendent's districts if available in accordance with clause (c) of this article, and will be allowed sufficient time, without pay, to learn the work of train despatching under a regular trick despatcher, such time not to exceed two weeks, and they will remain on such district until they receive promotion to a steady trick, which may be claimed at any office on the general division at which a vacancy occurs.

All vacancies and permanent appointments in despatchers' positions, or new despatchers' positions created, will be immediately advertised over the general division. Applications must be made within ten days of date of bulletin, and vacancies will be filled within thirty days after it occurs by the appointment of the despatchers entitled to it. If a train despatcher's position is abolished, he will be entitled to the position held by the junior permanently located despatcher on the general division.

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Art. 1. The right of promotion of linemen (telegraph and telephone) will extend over each general superintendent's division (railway) and will be governed by merit and ability; where these are sufficient, the senior man will be given preference. Linemen will be specially considered in line of promotion to the position of foreman on the general superintendent's division (railway) on which they are located.

Art. 3. No telegrapher shall be suspended (except for investigation), discharged, or disciplined, until his case has first been investigated and he has been proven guilty of the offence charged against him, the decision in such case to be arrived at within ten days from date of such suspension. If a telegrapher is found blameless in the matter under investigation he will be paid at schedule rates for time lost and extra expenses while attending such investigation, if away from home, and be reinstated. If detained more than ten days awaiting investigation at the company's instance, he will be paid schedule wages for the time in excess of ten days, whatever the decision may be. Telegraphers may have the assistance of a co-telegrapher if they so desire.

A written statement setting forth the result of an investigation and the reasons thereof will be furnished by the company to the Local Board of Adjustment, if requested by it.

Art. 4. Lack of conveniences such as school facilities, etc., will be taken into consideration in locating telegraphers, but only when this can be done without infringing on the rights of their seniors in the service.

Art. 5. Telegraphers serving on Boards of Adjustment representing telegraphers will be relieved without unnecessary delay (not to exceed ten days) and will be furnished free transportation for such purpose.

Art. 6. Telegraphers will be granted free transportation and leave of absence to attend their meetings. Such free transportation will not extend beyond the next section adjoining their superintendent's district, and the leave of absence will not exceed two days, and will only be granted when it will not interfere with the requirements of the traffic and the service, and provided the company is not thereby put to additional expense.

Art. 7. When a telegrapher is transferred by order of the proper official he will suffer no loss of schedule wages in consequence thereof, and will be allowed reasonable time (not to exceed four days and without pay) to arrange for the shipment of his household effects.

Art. 8. Telegraphers attending Court of Investigation at the request of the proper official of the company will have their extra expenses paid by the company, in addition to their schedule wages.

Art. 9. Telegraphers will not be required to teach telegraphy nor admit students, not members of station staff, to their offices.

Art. 10. Telegraphers required to work at wrecks, washouts, and slides will, in inclement weather, be provided with shelter and be paid necessary expenses for the time away from home.

Art. 11. A telegrapher securing employment with the company will, within thirty days from date of employment, have returned to him all service cards and letters of recommendation which may have been taken up by the company, except any previously issued by the company.

Art. 12. A telegrapher leaving the service of the company, will, on request, within five days, be furnished with a certificate by the proper official stating term or terms of service, capacities in which employed, and whether discharged or leaving the service of his own accord. If discharged, cause of dismissal will be stated. If detained more than five days awaiting such certificate he will be paid schedule wages for all time in excess of five days.

Unless otherwise requested this certificate will be mailed to the telegrapher at the place of last employment.

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Art. 13. Telegraphers will be exempt from shovelling snow, stenciling cars, sifting coal ashes, attending to flower gardens or disinfecting stations or outbuildings, and cutting and piling wood. The unloading of way freight from cars and putting away in shed shall be done jointly with the trainmen, and further reasonable assistance will be furnished when necessary. The lighting and attendance to switch and semaphore lights will, so far as practicable, be performed by other available force.

Art. 14. At stations where dwelling, fuel and light are provided, the dwelling will, as far as practicable, be reserved exclusively for the use of the agent and his family, unless he elects to reside elsewhere.

A deduction of five dollars per month will be made from the schedule ratings of all telegraphers occupying company's dwellings, unless in the opinion of the superintendent such amount should be reduced.

When wood is supplied for fuel it will be cut in lengths not exceeding sixteen inches.

A telegrapher occupying a company's dwelling and dismissed from the company's service will be allowed to retain possession of the dwelling until he has been paid all monies due him by the company.

The company will keep its dwellings in good repair. Occupants must keep such dwellings and their surroundings clean, and must pay for repairs other than those due to ordinary wear and tear.

Art. 15. Telegraphers (except train despatchers) required to work on Sunday will be paid extra pro rata of schedule salaries for such service based on twenty-six days per month (any portion of an hour less than thirty minutes not to count, any portion of an hour thirty minutes or over to count as one hour) with a minimum compensation of thirty cents for each call, which cover the first hour's service. If kept on duty more than one hour they will thereafter be paid pro rata on schedule salary.

Telegraphers will be required to handle commercial messages on Sunday only during hours required for railway service, except on agreement.

Telegraphers required for Sunday duty other than attendance on regular passenger trains will be so advised on the previous day.

Despatcher required to work more than six days in each week will be paid overtime pro rata for same.

Art. 16. If telegraphers are required to attend to switch lamps, they will be paid four dollars per month for six or less such lamps, and fifty cents per month for each additional lamp in excess of six. When semaphore lamps are included, fifty cents per month per lamp additional will be allowed.

Nothing in this article will relieve telegraphers from their responsibilities under the rules. Telegraphers will keep train order signal lamps clean and in good condition and lighted when required without extra remuneration.

Art. 17. Telegraphers who attend pumping engines or windmills, which work will be optional with them, will be paid ten dollars per month for attending to steam pumping engines and windmills, and five dollars per month for attending to windmills only.

Telegraphers shall, within office hours, attend to fires under water tanks within a quarter of a mile of their station, and must see that fire is in good condition immediately before going off duty, without extra compensation.

Art. 18. A telegrapher required to leave his permanent location to do relief work temporarily will, without change in salary, be allowed all necessary expenses on production of vouchers.

Other telegraphers doing relief work, except regular relieving telegraphers, will be paid the same wages without expenses as the telegraphers they relieve, provided wages are not less than their own.

Sufficient relief agents will be supplied to meet all reasonable demands.

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Art. 19. Railway telegraphers handling Canadian Pacific Railway commercial business will be allowed ten per cent commission on all business between points reached by the Canadian Pacific Railway telegraph lines, and connecting telegraph lines with which business is checked direct, and on Canadian Pacific Railway proportion of cablegrams.

The income accruing to a station on account of telegraph commissions will be equitably divided between the telegraphers performing the service, the agent to be entitled to not less than one-third of the total amount.

Art. 20. (a). At offices where two or less telegraphers are employed, ten consecutive hours, exclusive of meal hour, shall constitute a day's work.

At offices where more than two operators are employed, not more than ten consecutive hours' service, including meal hour, or at the company's option, eight consecutive hours without meal hour, shall constitute a day's work.

Except in cases of emergency, telegraphers will have eight consecutive hours' rest per day.

The hours of duty of all agents will commence between the hours of six and eight o'clock a.m.

(b.) Telegraphers working ten hours per day will be allowed sixty consecutive minutes for a meal between either 7 a.m. and 9 a.m., or 12 noon and 2.30 p.m., or 5 p.m. and 7 p.m., or between midnight and 2.30 a.m., or receive in lieu thereof one hour overtime, provided that a day telegrapher working ten hours will be allowed his meal hour between 12 noon and 2.30 p.m. This will not apply to service rendered the express or commercial telegraph business.

Nothing herein will prohibit a despatcher from granting two meal hours to a telegrapher working ten hours, the intention being to grant regular meal hours so far as the business of the company permits.

(c.) Overtime will be computed pro rata on schedule wages, based on twenty-six days per month, but in no case less than thirty cents per hour, less than thirty minutes not to count, thirty minutes or over to count as one hour, except that telegraphers required to remain on duty after regular hours, if detained fifteen minutes will be allowed one hour overtime for the first hour or any portion thereof.

(d.) If a telegrapher is called before or after office hours he will be allowed fifty cents, which shall cover one hour's service. If kept on duty more than one hour, overtime will be allowed thereafter as per clause (c) except when a telegrapher residing in a company's dwelling is required to attend a scheduled train due at his station within three hours after his regular ten hours' duty, when he will receive thirty cents for the first hour of his duty or any portion thereof; if kept on duty more than sixty minutes, overtime will be allowed as per clause (c).

(e.) The regular hours of duty will be specified by the superintendent to all telegraphers. If required for service outside of these hours, telegraphers will be given an official order as authority and excused in the same manner.

(f.) Overtime will not be allowed unless overtime tickets are mailed to the proper officials within forty-eight hours from the time the service is performed. If overtime as claimed is not allowed, telegraphers will be notified in writing within ten days from the time such service is performed, setting forth the reason for disallowance. Telegraphers will number overtime tickets consecutively for each month.

Art. 21. Eight consecutive hours train despatching, and the time required to make a transfer, will constitute a day's work for a train despatcher. Train despatchers will not be required to do clerical work that will interfere with the proper handling of their trains.

Art. 22. If a telegrapher considers himself overtaxed, his statement to that effect to the proper official will be carefully considered, and, if well founded, relief will be granted.

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Art. 23. When the handling of express or telegraph business for which a commission payment is allowed is withdrawn from any telegrapher, the wages will be adjusted to conform with that of similar stations in the same locality where such work is not performed by them.

Art. 24. When a telegrapher is assigned to a position, and after a fair trial is found incompetent, he will take his place on the extra list, retaining his seniority rights.

Art. 25. Train despatchers will be allowed three weeks' leave of absence each year with full pay.

Other telegraphers who have been in the employ of the company four or more consecutive years will be allowed two weeks' leave of absence each year with full pay. If the company find it inconvenient to grant leave of absence during any year to a telegrapher entitled to it under this rule, the telegrapher shall, at his option, receive either compensation at his regular salary for the period, or in the next year additional leave of absence for a like period.

Applications for leave of absence filed in January of each year will be given preference in order of seniority of applicants, and applicants will be advised in February of dates allotted to them. January applicants will have preference over later applicants, and applicants after September 30 will not be entitled to salary compensation if the company is unable to relieve them in that year. The company will, as far as practicable, relieve all applicants during the summer season when so desired.

In the event of a telegrapher being discharged or leaving the service on proper notice before obtaining the deferred leave of absence he will be paid his salary for the same.

Art. 26. Telegraphers will be granted transportation of their household goods, and passes or reduced rates, and leave of absence in accordance with the general regulations of the company as established from time to time.

Art. 27. A lineman required to leave his own district will be allowed all necessary expenses and extra compensation commensurate with responsibility if called upon to take charge of any number of men.

District linemen will be allowed all necessary expenses while performing duties in their own district away from headquarters.

Art. 28. Application may be made to general superintendents direct for a general revision of schedule.

Art. 29. The preamble and clauses *b, c, d, e, f* and *g* of Art. 2, Articles 3, 4, 5, 6, 7, 8, 11, 12, 15, 20, 22, 24, 25 and 26, in the schedule of rules and wages will also apply to linemen.

Art. 30.

MINIMUM MONTHLY WAGES OF TELEGRAPHERS.

	Operators.	Agents.	Relief Agents.	Linemen.	TRAIN DESPATCHERS.			
					First Year.	Second Year.	Third Year.	Relief.
East of Chalk riv.	\$60.00	\$66.00	\$75.00	\$74.80	\$124.00	\$129.70	\$141.10	\$118.30
West of Chalk riv.	66.00	73.00	78.00	80.30	129.70	135.40	146.80	124.00
West of Cartier...	73.00	78.00	78.00	80.30	135.40	141.10	152.50	129.70

Relief despatchers, after one year's cumulative service as such, will take the rating of a first year regular trick despatcher.

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Relieving despatchers will receive fifty cents per day expenses while away from headquarters.

Relieving agents will be paid actual expenses not to exceed fifty cents per day, while away from headquarters.

Sgd.) C. MURPHY,
For the Company.

(Sgd.) G. D. ROBERTSON,
For the Telegraphers.

AGENCIES ADDED TO SCHEDULE.

The Order of Railroad Telegraphers, C.P.R. System, Div. No. 7.

MONTREAL, Sept. 19, 1912.

Memorandum of Agreement.

It is agreed that the agencies not heretofore included in the telegraphers' schedule shall be added as follows:—

Fredericton, N.B.
Lowelltown, Maine.
Brockville, Ont.
Orillia, Ont.

Muskoka, Ont.
Tilsonburg, Ont.
Port Burwell, Ont.
Parry Sound, Ont.

Those asked to be included on western lines to be agreed upon with western lines management, but a portion of them is guaranteed.

The minimum rates for agents and operators on western lines are to be arranged with the western lines' management, and the general increase of 12 per cent distributed on all divisions as the company's officers and local committees may agree.

In the event of the local officers and the local committee failing to agree upon the rate for any position the flat twelve per cent increase to that position shall be applied.

The twelve per cent increase to agents and operators and increase in salaries to despatchers and linemen, effective August 1, 1912. Overtime, hours and other changes effective October 1, 1912.

C. MURPHY,
For the Company.

G. D. ROBERTSON,
For the Employees.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of Industrial Disputes Investigation Act, 1907, and of a dispute between the Canadian Pacific Railway Company and its employees in the Station and Telegraph Service, members of the Order of Railroad Telegraphers.

To the Hon. T. W. CROTIERS,
Minister of Labour, Ottawa, Ont.

HONOURABLE SIR,—The undersigned members of the Board of Conciliation appointed under the Act in this matter have the honour to report as follows:—

The Board met in the office of the railway company above mentioned, in the city of Montreal, on the following dates: July 30, 31, August 1, 2, 6, 7, 9, 13, 14, 15, and 16, when it adjourned and met in Toronto on August 19, 20, 21, 22 and 23, and the sittings were resumed in Montreal on August 26, 27, 28 and 29.

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The company was represented by Mr. D. McNicol, vice-president, Mr. James W. Leonard, Mr. C. Murphy, Mr. A. L. Smith, Mr. A. Hatton and Mr. G. Rooke, and the employees were represented by Mr. D. Campbell of Toronto, G. D. Robertson, Welland, Ont., Mr. D. McPherson, Nelson, B. C., A. H. McLeod, Weyburn, Sask., Mr. J. B. Mein, Winkler, Man., Mr. S. W. Crabb, Chalk River, Ont., Mr. D. McCaughrin, Mona Road, Ont., Mr. J. C. Rooney, Ottawa, Ont., Mr. G. Browe, Windsor, Ont., Mr. W. T. Watson, of Hosmer, B.C., and Mr. M. R. Clark, Onawa, Me.

At the above sittings of the Board evidence was taken and argument heard on behalf of the employees and the company upon the hours of labour, the cost of living, and the different conditions and rates of pay granted by other railroads to its telegraphers and linemen.

All matters in dispute were very thoroughly and exhaustively debated by the representatives of the company and the employees, and after hearing all the evidence and argument adduced by both parties, the board met and endeavoured to reach a conclusion amongst themselves as to the award which ought to be given.

The chairman and Mr. J. G. O'Donoghue, who represented the employees upon the Board, interviewed the representatives of the employees and endeavoured to get them and the company to agree, but without result.

The chairman and Mr. J. E. Duval, who represented the company upon the Board, then had several interviews with Mr. McNicol and Mr. Murphy, who represented the company, and endeavoured to have them grant such increase to the employees as would enable an amicable settlement to be reached.

The representatives of the company above mentioned, however, found it impossible to accede to the demands of the employees, and expressed their opinion that the demands of the men were exorbitant, and if granted would mean an increase in cost to the company of over fifty per cent in excess of the company's present expenditure for telegraphic service.

The Board then met and considered the matter, but Mr. O'Donoghue, the representative of the employees, stated that he could not agree with the majority of the Board upon their conclusions, and Mr. J. E. Duval and the chairman thereupon agreed upon the following award:—

‘The amendments proposed in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the application of the employees are not allowed, and the present schedule, dated July 1, 1910, between the Canadian Pacific Railway Company and its telegraphers, in so far as it refers to the matters proposed to be amended by the above numbered paragraphs, is hereby approved.

‘With respect to paragraph nine of the application of the employees, claiming a general increase of fifteen per cent over the present rates of pay, we, the undersigned members of this Board, do not think it advisable to grant the same in its entirety, but we do recommend an increase of ten per cent, computed upon the aggregate sum produced by the present rates as the same is set forth in the Canadian Pacific Railway Company's schedule, dated July 1, 1910, above mentioned; such increase to be divided amongst the train despatchers, agents and operators, and linemen, as follows:—

(a) The train despatchers and linemen to be paid the sum of \$5 each per month increase in wages and the total amount so obtained shall be distributed as the officers of the company and the members of the committee representing the telegraphers may agree. It is hereby recommended that in every case regard shall be had to the personal and family necessities of the recipient, and to his location and other advantages and disadvantages, as it is the opinion of the undersigned members of this Board that in making such distribution the amount of work done, the cost for house rent, &c., and the number of the recipient's family ought to be considered and ought to govern the distribution.

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(b) That the balance of the said 10 per cent be distributed by the officers of the company and the committee representing the men, amongst the agents and operators, as fairly and justly as possible; and in making such distribution, the amount of work done by the recipient, the commission earned by him from express and other sources, his personal and family necessities, his location, whether in the east or west, or in town or country, his house rent, &c., and all other advantageous or disadvantageous circumstances affecting him ought to be carefully weighed when deciding the amount to be paid to each.'

The undersigned members of the Board, in granting this increase, have taken into consideration the fact that the train despatchers and linemen are now receiving excellent wages for the services rendered by them, and are therefore not entitled to receive the same percentage of increase that the agents and operators ought to get for the work which they do.

Consideration has also been given to the fact that the Canadian Pacific Railway Company is most generous in its treatment of its employees in the matter of granting holidays with pay to them, and free transportation for themselves and their families, and also in providing, at its own expense, old age pensions for its servants. These advantages are all in addition to the salaries given for the work done, and the employees directly benefited thereby.

Mr. J. G. O'Donoghue, the representative of the employees on the Board, does not agree with the undersigned members of the Board upon the points above mentioned, and he has filed a minority report, which is annexed hereto, and expressed his views upon the matters at issue.

All the evidence and arguments, written and verbal, submitted by the parties in dispute have been duly considered, and the undersigned members of the Board would recommend to the company and the employees a fair consideration and trial of the above award, believing that the increase hereby recommended, if paid by the company and accepted by the men, would be fair and equitable as between the parties as a settlement of the dispute.

We beg to congratulate the representatives of the men and the company upon the very careful and efficient manner in which their respective cases were prepared and submitted to the Board, and we wish to thank them for the same, and to express our appreciation of the courtesy and kindly feeling which prevailed between them during the sittings of the Board.

This award shall become effective on September 1, 1912.

All of which is respectfully submitted.

Dated at Montreal. P.Q., August 29, 1912.

(Sgd.) PETER McDONALD,
Chairman.

(Sgd.) J. E. DUVAL,
For the Canadian Pacific Railway Co.

MINORITY REPORT.

The text of the minority report of Mr. J. G. O'Donoghue, member appointed on behalf of the employees, is as follows:—

I am unable to join in the majority report for the reason that I think the men are entitled to more than the 10 per cent recommended by the majority of the Board.

The outstanding points in the men's claims are the questions of overtime, a shorter work-day, the inclusion of certain stations, and the increase of pay. I would recommend the recognition of the men's claims as to all these.

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The exhibits filed by the company point to excessive overtime worked by the men. At least time and one-half should be paid to them for overtime, not so much for the purpose of increasing their earnings as to decrease overtime by penalizing it.

The twelve-hour day is a relic of old times, and should be relegated to the limbo of forgotten things. It is too long, and public safety, apart from the injustice to the men, demands a shortening of the day.

Even with the 15 per cent increase asked for by the men, they would still be behind what the increased cost of living calls for. The increase in the cost of living, on the commodities ordinarily used by the men in this class of service, from 1897 to 1912 has been 80 per cent, whereas the increase in wages in that time has only been 38 per cent. It seems to me, therefore, that even with the 15 per cent increase asked for, the men would still be behind on the transaction.

It is conceded that this class of men is somewhat superior, with real responsibilities. Their services have not been as well recognized by the company as have other branches of the railway service. What they ask will no doubt cost money, but their claims are in my estimation just, and I would be disposed to concede what they ask.

Dated at Montreal, Aug. 29, 1912.

(Sgd.)

J. G. O'DONOGHUE,
Representing the men.

VII.—APPLICATION FROM EMPLOYEES OF BRITANNIA MINING AND SMELTING COMPANY, BRITANNIA MINES, B.C., MEMBERS OF BRITANNIA MINERS' UNION.—BOARD ESTABLISHED.—STRIKE NOT AVERTED.

Application received—July 3, 1912.

Parties concerned—The Britannia Mining and Smelting Company, Britannia Mines, B.C., and employees, members of Britannia Miners' Union.

Applicants—Employees.

Nature of industry concerned—Metal mining.

Nature of dispute—Wages, conditions of employment, and recognition of union.

Number of employees affected—300.

Date of constitution of Board—August 6, 1912.

Membership of Board—Mr. Jas. A. Harvey, K.C., Vancouver, B.C., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. W. Ernest Burns, Vancouver, B.C., appointed on the recommendation of the employing company; and Mr. George Hetherton, also of Vancouver, B.C., appointed on the recommendation of the employees concerned.

Reports received—September 16, 1912.

Result of inquiry—Report of Board was accompanied by minority report signed by Mr. Burns. The employees concerned accepted the award of the majority of the Board, but the company declined to do so. Mining operations were continued until February 18, when the alleged dismissal by the company of one of the union officials brought the existing dissatisfaction to a head, and a strike was declared which had not been terminated at the end of the fiscal year.

The Minister received, on September 16, the majority and minority reports of the Board of Conciliation and Investigation to which had been referred certain matters in dispute between the Britannia Mining and Smelting Company, Britannia Mines, B.C., and employees, members of Britannia Miners' Union, the minority report being submitted by Mr. W. Ernest Burns, member appointed on behalf of the employing company. The differences in question related to the alleged denial by the company to the secretary of the Miner's Union to visit the men in their bunkhouses for the purpose of collecting and organizing, and also to matters connected with the medical service furnished the employees. The number affected by the dispute was given as 300.

The Board, in its report, expressed the view that 'the company should in this case extend to the union the privilege of holding meetings in their bunkhouses or in some other suitable place on the company's property, and should allow the union officials to visit the men there for the purpose of collecting dues and transacting the business of the union.' The Board also held that if the right of meeting was accorded as above, the company would find it to their advantage to meet a committee of the union in adjusting any differences between the company and the members of the union in their employ.

Mr. W. Ernest Burns, in his minority report, contended that the application for the establishment of a Board under the Industrial Disputes Investigation Act should not have been granted, as it had not been shown, in his opinion, that the same was sanctioned by the employees concerned.

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The employees concerned accepted the award of the majority of the Board, but the company declined to do so. Mining operations were continued until February 18, 1913, when the alleged dismissal by the company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared which had not been terminated at the end of the fiscal year.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and in the matter of a dispute between the Britannia Mining and Smelting Company and the Britannia Miners' Union.

To the Honourable the Minister of Labour,
Ottawa, Ont.

The union state that the causes of dispute are:—

(1.) The denial by the company of the right of the secretary of the Miners' Union to visit the men in their bunkhouses for the purpose of collecting dues and organizing.

(2.) The discharge of the medical practitioner without the consent of the men.

(3.) Transferring of the charge for medical service to a charge for light.

And demand:—

(1.) The right of the secretary and duly authorized union officials to visit the men in their bunkhouses for the purpose of transacting union business and holding meetings.

(2.) Recognition of the union.

(3.) That the company live up to the Provincial Health Act.

The company files the following answer:—

(1.) The company admits that it denied the right of the secretary of the Miners' Union to visit the men in their bunkhouses for the purpose of organizing and holding meetings, and they claim that they have the right to so exclude them.

(2.) The dismissal of the medical practitioner without the consent of the men is no cause of complaint, the medical practitioner not having been engaged on the recommendation of the men but solely employed by the company.

(3.) In regard to the demands of the men, the company says:

‘(1.) They deny the right of the secretary or any other official of the Miners' Union as an official to go upon their property.

‘(2.) If the demand for recognition of the union is that there shall be what is known as a “closed shop,” the company deny the right of the union to demand it. The company makes no difference between employment of union and non-union labour.

‘(3.) As to the demand that the company comply with the Provincial Health Act, this the company is and always has been willing to comply with.’

Meetings of the Board were held on August 8, 9, 10, 12, 19 and 20, 1912.

The following witnesses were examined on behalf of the union:—

Mr. A. C. Webb, secretary of the Britannia Miners' Union; J. W. D. Moodie, vice-president and secretary of the company; Hon. Edward Dewdney, president and a director of the company; Donahue, a director of the company; and William Davidson, Local Representative of the Western Federation of Miners.

The company declined to call witnesses, as they claimed:—

(1.) That there never was a dispute between the company and its employees;

(2.) That if there was any dispute no application was made to the Minister for the appointment of a Board of Conciliation and Investigation by either the company or its employees, as required by section 5 of the Act.

To this Mr. Davidson, on behalf of the union, replied that no local union could go on strike or ask for the appointment of a Board without authority from the general organization; that it was impossible for the local union to meet and pass resolutions in the usual way, as the company refused them the right to hold a meeting; that he, as local representative of the general organization, acted for the local union throughout, and asked for the appointment of a Board only after he had failed to adjust matters with the company; and that the Honourable the Minister of Labour, when he granted the Board, was fully acquainted with all the facts.

Mr. Webb in his evidence made the following statement:—

‘We hold that it is only right that the secretary and duly qualified officials of the union should be able to visit the men in the bunkhouses and homes and hold meetings, for owing to the position of the camp it is impossible in any other way to carry on the business of the union, the bunkhouses being the men’s domicile they have no other place to transact their business. The Government of this country recognizes the right, and one might add necessity, for working men to join their labour unions, for their mutual benefit and protection, and it seems to us that an alien company (for we believe that the Britannia Mining and Smelting Company, in spite of the fact that it has complied with the company laws of this country in having offices and officials in British Columbia, is in fact an alien corporation—the real owners and controllers of the company being domiciled in the United States) which forbids its employees the right to take the necessary means to organize and keep organized, is acting contrary to the spirit of the laws of this country. For in a case like this, situated as the men working at the Britannia Mine are, it is impossible to organize unless the union officials have access to the men in their bunkhouses and homes.

‘There is really more reason why it is necessary for the men to organize in these out-of-the-way camps than in more accessible places, as it is in such places that the workingmen are more at the mercy of the employers. Especially is this the case where the company may not be living up to the laws of the country for the protection of the health of their employees.

‘We consider that it is far better that business between the company and its employees, other than ordinary work, should be transacted between the company and the union. When men as individuals have any misunderstanding with the company, any man approaching the company with some complaint may be liable to be discharged, therefore many things are not brought to the notice of the company, which if they were the company would have no objection to altering to the satisfaction of their employees. We therefore hold that if the company were to recognize committees from the union it would be conducive to harmony between employers and employees.

‘The denial by the company of the right of the secretary of the union to go up to the camp was after a dispute had arisen over the question of the discharge of the doctor and the transference by the company of the monthly charge for medical attendance and hospital to a charge for light.’

Mr. J. W. D. Moodie in his evidence says in part as follows:—

‘I stopped Webb coming on our property without instructions from any one until after it was done; my action was approved in a general letter from

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New York, also by Mr. Dewdney. I have been here seven months; I stopped Webb because this is private property and because of the insolent air in which he demanded this doctor to be reinstated after I dismissed him, and the general disposition to run my business. I don't care what a man's persuasion is as long as he gives me return for my money. I think men have the right to organize, but I think we have the right to keep men from coming on private property.

'I believe the men have the right to organize off of our property and I would just as soon have organized labour as any other kind.

'A man working here would have to lose two days going to Vancouver to attend union meetings; it isn't impossible for them to attend, but it is inconvenient, but the boat runs every day, the number of men belonging to the union going for that length of time would make no difference in our working.

'The effect on our business of a representative of the union visiting the mine is that if we permit him to go we have got to let everybody else go; we can't discriminate, and we don't allow strangers upon our property; we have no room in our bunkhouses for outsiders.

'I might allow the men to hold meetings in the school house under some circumstances which I am not prepared to state. Whether I would object to the men holding meetings among themselves would depend on circumstances that might arise after the thing was in force; I am not saying what I will do or won't do.

'They may be holding meetings right now for all I know, but if they are using our buildings that we want for other purposes I expect our foremen will stop them; I have never denied them the right to meet.

'I have denied Webb the right to go up on the hill, and everybody else. If you want to put it that way I deny the representative of the men the right to go on the hill to do business.

'I will make this general statement. I don't believe it is the wish of this company which I represent to use the grounds which they have purchased to conduct mining operations, for the purpose of holding meetings by anybody; there are other places they can hold their meetings.

'On the 5th of this month we had at the mine, 205 men; at the beach, 205; at the half way, 125; and on the tram, 27; that does not include the office force; altogether about 600 men on the pay-roll.

'I have made a general rule that no outsider should go up to the mine. People going up there can pick up information which we don't want to have known; they carry away valuable specimens.

'It would interfere with our business to have officers of the union go up there and hold meetings.'

Our conclusions on the questions submitted are as follows:—

(1.) That the right to form unions and to hold meetings of the same is one that should be freely enjoyed by every workman, and we hold that the company should in this case extend to the union the privilege of holding meetings in their bunkhouses or in some other suitable meeting place on the company's property, and should allow the union officials to visit the men there for the purpose of collecting dues and transacting the business of the union.

(2.) That the medical practitioner, referred to as discharged, was employed by the company, but his salary was paid, in part at least, by a fee of \$1 per month, collected from the employees of the company.

The company has dropped the medical fee of \$1 per month, but co-incidental with dropping that fee they charged the men a new fee of \$1 per month for electric lights in their bunkhouses.

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The company now engage and pay the medical practitioners. The union claims that the men are now paying as much as they did before and are not entitled to the services of the medical practitioner after they leave the employ of the company, in spite of the fact that the substitute light fee is paid up to the end of the month in which they leave the service of the company.

We believe that if the privilege of holding meetings of the union was accorded by the company, this matter would be amicably adjusted between the parties.

(3) The union claims that the term 'recognition of the union' appearing in subsection 2 of their demand simply means that the company meet a committee of the union to discuss grievances.

We believe that if the right of meeting was accorded as above, the company would find it to their advantage to meet a committee of the union in adjusting any matters as between the company and the members of the union in their employ.

(4) After visiting the bunkhouses the union were of opinion that these bunkhouses did not in every respect comply with the conditions of the Public Health Act. The company, however, are constructing new bunkhouses at the 'Half-Way,' and in view of that fact the union were disposed to leave this matter in abeyance, pending the completion of these bunkhouses and other improvements now under way by the company.

Dated the 24th day of August, A.D., 1912.

Respectfully submitted,

(Sgd.) J. A. HARVEY,
Chairman.

(Sgd.) GEORGE HEATHERTON,
Member of the Board.

MINORITY REPORT.

The text of the minority report of Mr. W. Ernest Burns, member appointed on behalf of the employing company, is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and in the matter of the dispute between the Britannia Mining and Smelting Company and the Britannia Miners' Union.

To the Honourable, the Minister of Labour, Ottawa, Canada.

I have come to a different conclusion to my co-members of the Board of Conciliation and Investigation appointed in this matter and take occasion, therefore, briefly to set out such conclusion in a separate report.

This Board was appointed at the instance of an application under Act which purported to be an application on behalf of the employees of the company organized into what is known as Britannia Miners' Union, which is a local of the Western Federation of Miners, and I take it that the Board was appointed upon the assumption that the application was made by representatives of the employees or some of the employees of the company in reference to a dispute which existed between the company and its employees. As I read section 5 of the Act I take it that such a dispute must necessarily exist as a basis of the operation of the Act, and that one of the parties to such a dispute must be the applicant for the appointment of a Board.

The evidence taken before the Board shows that at the present time the Britannia Miners' Union is a union having its headquarters at the city of Vancouver, in respect

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of which are eligible for membership all the miners in the vicinity of Vancouver, roughly speaking. There was, in May of this year, a total membership, approximately, of 349 and these are made up of miners and those doing mining work from different places near Vancouver. At the company's works at Britannia, about thirty miles from Vancouver, there are engaged about 500 men eligible for membership in this union, and on the books of the secretary of the union were enrolled for the month of May approximately 102 men who are employees at the works of the company.

The Britannia Miners' Union was organized in the first place in 1906 and at that time had its headquarters at Britannia. In 1907 the organization lapsed and in 1910 it was reorganized at Vancouver, having its headquarters in that city and apparently having a larger scope. From 1910 to the present time the secretary of this union was not an employee of the company. The union was carried on separately and distinctly from the company and less than one-third of its members were employees of the company. The secretary during this time was in the habit of going to Britannia and using the company trail to visit the works of the company to interview the employees, and the company did nothing to prevent him doing this. In June, however, this year, owing to a difficulty which arose with Mr. Moody, the resident manager of the company, the secretary was prevented from going from Britannia beach to the mines for the purpose of doing this work, and the dispute which has caused the appointment of this Board then arose. The secretary, supported by the executive of the Western Federation of Miners, claimed the right for himself and other officials of the general organization and of the local to use the company's trail up the mountain from the beach to the mines and interview the men for the purpose of soliciting membership and collecting dues, and also claimed the right of holding meetings on the company's property, presumably for the same reason. The company on its side denied such rights and took the position that it would allow none but employees to go on or make use of its property. Apparently up to this time, although the union had been running since 1910, there had been no attempt or endeavour on the union's part to hold any meetings of the union otherwise on the company's properties, but all meetings of the union had been held in Vancouver, its headquarters.

The dispute that thus arose was between the secretary of the union, a non-employee, and the company, and this dispute was taken up by Mr. Davidson, the representative of the general executive of the Western Federation of Miners. No meeting of the Britannia Miners' Union was held. No employees of the company took any action or appeared in the matter in any way whatsoever. Mr. Davidson took the matter up with the Minister, representing one side of the dispute, and doubtless that side was understood to be the employees or some of the employees of the company, but in no manner whatever is any indication given in the evidence before the Board or in its investigation that any of the employees of the company are parties to the dispute in question. Mr. Davidson stated in his evidence before the Board that the reason of this was that the company would not allow meetings to be held. This cannot be so, because the company, as stated in evidence before the Board, has never denied the employees the right to meet amongst themselves; and, further than this, there was nothing to prevent a meeting of the Britannia Miners' Union at Vancouver. Even if a resolution of the Britannia Miners' Union as constituted were in existence supporting the claim made in the application, there would be grave doubts in my mind whether such would be sufficient to base the operation of the Act. We would have to go further and find that employees of the company actually voted for such a resolution. The absence of this resolution, however, only makes stronger the fact that the Act has not been invoked properly in this matter. Mr. Davidson in his evidence stated that he had the power as representative of the general executive to call a strike of the union against the company unless the demands in this dispute were granted, and that he had already called the strike to take place in the event of the demands not being granted, by virtue of this power, and that this action was the authorization of a strike mentioned in the application.

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My view of the matter is simply that the Act was not applicable to this situation. Although the Board has been appointed, it has been appointed on the representation that such a dispute existed which could base the operation of the Act, while, as a matter of fact, according to the evidence taken before the Board, such dispute in my opinion does not exist. No dispute has arisen between the employees, or any of the employees, and the employer. It is not within the power of either the secretary of the local or of the representative of the general executive to say that they are agents for or representatives of any of the employees of the employer in circumstances of this kind in order to say that the employees are parties to the dispute which arose as above referred to. As a matter of fact, however, there was no evidence even to this effect brought before the Board, and in fact such evidence was precluded by the evidence of Mr. Davidson himself, who stated he acted on his own initiative throughout.

I fully realize that in matters of this kind fine points or technicalities should be put aside, and I am strongly of that opinion personally. This, however, is not a technical point. The whole question is as to whether under these circumstances the Act can be invoked or not, and I am of the opinion that the Act cannot be invoked unless a dispute arises such as is contemplated in section 5 of the Act, and is not adjusted.

I endeavoured, with the rest of the Board, to bring about a settlement of the dispute which did exist, but without success. This endeavour was made simply as an individual, and although there was no function to perform under the Act, still, placed as we were and being seized of the features of the dispute that did exist, I undertook to see if it could not be adjusted. In my opinion such action could have no effect except in success, and as it has not been successful the matter has to be dealt with upon its true ground.

Having the above view, my opinion as to the merits and demerits of the dispute between the officials and the company I consider of no moment, because it could only be in line with my understanding of this matter a personal opinion and not an opinion of a member of the Board. It is for the parties, namely, the company on the one hand and the officials referred to on the other hand, to settle this in whatever manner they see fit, now that an adjustment so far as the efforts of the three individuals who were appointed on the Board are concerned has failed.

Dated at Vancouver, this 30th day of August, 1912.

(Sgd.) W. E. BURNS,
Member of the Board.

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VIII.—APPLICATION FROM EMPLOYEES OF HALIFAX ELECTRIC TRAMWAY COMPANY, MEMBERS OF DIVISION NO. 508, AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC RAILWAY EMPLOYEES OF AMERICA.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—AGREEMENT CONCLUDED.

Application received—July 18, 1912.

Parties concerned—The Halifax Electric Tramway Company and employees, members of Division No. 508, Amalgamated Association of Street and Electric Railway Employees of America.

Applicants—Employees.

Nature of industry concerned—Street railways.

Nature of dispute—Wages and conditions of employment.

Number of employees affected—Directly, 125; indirectly, 50.

Date of constitution of Board—August 1, 1912.

Membership of Board—His Honour Judge W. B. Wallace, Halifax, N.S., chairman, appointed on the joint recommendation of the other members of the Board; Mr. George S. Campbell, Halifax, N.S., appointed on the recommendation of the employing company; and Mr. John T. Joy, also of Halifax, N.S., appointed on the recommendation of the employees concerned.

Report received—August 22, 1912.

Result of inquiry—A unanimous report was presented by the Board, embodying the terms of an agreement which had been arrived at by the parties concerned.

The Minister received, on August 22, the unanimous report of the Board to which had been referred certain matters in dispute between the Halifax Electric Tramway Company and its employees. The matters in dispute related to wages and other conditions of employment, the number of employees affected being about 125 directly and 50 indirectly.

The Board's report showed that an agreement had been concluded between the company and its employees which disposed of all matters at issue. The agreement referred to contains a wage scale with provision for overtime, etc. It requires the investigation of all charges against employees and assures to them an opportunity of presenting any complaints or grievances which may subsequently arise to the proper officials of the company, with the privilege of appeal, if necessary, to the company's Board of Directors.

REPORT OF BOARD.

HALIFAX, August 19, 1912.

Re Industrial Disputes Investigation Act, 1907.

To the Honourable the Minister of Labour, Ottawa.

The Board of Conciliation appointed in relation to the differences between the Halifax Electric Tramway Company, Limited, and certain of its employees met on Monday morning, August 5, all the members of the Board being present.

After each member of the Board had taken the oath prescribed by statute, an informal discussion took place regarding the feasibility of a prompt settlement of at least several of the items in dispute. It was finally considered desirable by the Board to adjourn until Tuesday, August 6, and then meet at half-past two in the afternoon.

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At the request of Mr. Joy, the chairman was instructed to endeavour to secure from the provincial Government a committee room in the Provincial Building as a meeting place for the Board.

The Board met accordingly on Tuesday afternoon, August 6, at half-past two, all the members being present. There were also present representatives on behalf of the employees who had petitioned for the Board of Investigation, and officials of the Halifax Electric Tramway Company, Limited.

The alleged grievances of the employees were presented on their behalf very fully and a general discussion respecting various items in dispute took place.

The Board adjourned until the following day. The next meeting of the Board took place on Wednesday morning, August 7, at 10 o'clock, at which some compromise propositions emanating from the employees were discussed, and, it was understood, would be submitted to the company. A meeting of the Board again took place on Wednesday afternoon, all the members being present, and the Tramway Company's position in relation to the dispute was then explained by some of its officials, and was exhaustively discussed.

On Thursday morning another meeting of the Board took place, which was devoted to an attempt to devise, by further modifications of earlier propositions, some method of amicable settlement of all matters in dispute between the two parties.

On Friday afternoon the Board met again and, although very earnest efforts in the meantime had been made to secure a working settlement that would be mutually satisfactory to the company and its employees, and considerable progress had been made in that respect by Mr. Campbell and Mr. Joy, two of the members of the Board, who had reached a tentative adjustment in relation to several of the questions in dispute, it was, nevertheless, found that no arrangement mutually acceptable had been devised in relation to the important item of wages.

After a long discussion, in which the representatives of the employees and officials of the company and members of the Board participated, it appeared impossible to reach any satisfactory solution of this question of wages, and the Board resolved to adjourn until the following afternoon (Saturday) and then sit from two o'clock until seven in the evening and hear evidence in the dispute between the company and certain of its employees, not only upon the question of wages but upon all other differences, the settlement of which had been, to some extent, contingent on a satisfactory adjustment of the question of wages.

In accordance with this decision of the Board a stenographer was engaged and the Board met on Saturday afternoon, August 10, at 2 o'clock. At the beginning of the meeting it appeared that further efforts had been made by Mr. Joy and Mr. Campbell in the direction of a satisfactory settlement of the question of wages, and certain propositions were submitted by Mr. Joy which it was considered might result in a satisfactory solution of the differences. These propositions were discussed very fully by the Board and by the representatives of the employees and of the company. The discussion finally resulted in both sides arriving at a tentative agreement whereby it was understood that these propositions would be submitted to the Tram Company and to a mass meeting of the employees of the company for approval. In the meantime the Board decided not to take any formal evidence in relation to the various items in dispute, as it now appeared that there was at least a possibility of settlement of all such matters without the necessity of taking evidence.

The Board adjourned to meet again formally the following Tuesday morning at half-past ten. In the meantime a large portion of Monday was devoted by the Board to conferences with both sides and to negotiations for the purpose of effecting a final settlement of the dispute.

When the Board met again on Tuesday morning, August 13, Mr. Campbell, on behalf of the company, stated that the directors of the Tram Company had approved of certain propositions which had been submitted at the previous meeting of the

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Board, a memorandum of which was read by him to the Board. Mr. Joy, on behalf of the employees, stated that the men would consider these propositions at a meeting to be held on Tuesday night. To prevent misunderstanding, a general discussion as to the precise meaning and scope of these propositions took place between the Board and the officials representing the company, and, subsequently, a similar discussion of each proposition took place between the Board and the representatives of the employees, the other parties to the dispute.

The Board then adjourned until Friday morning, and then until Saturday morning, August 17, when the Board was informed by Mr. Joy, who was duly empowered to make the settlement, that at a mass meeting of the employees aforesaid, and after a free discussion of the said propositions, a resolution was adopted ratifying the said propositions, on behalf of the said employees, and declaring that all matters in dispute between the company and its employees were thereby settled.

The following is the agreement as approved by the company and as submitted to the men and ratified by them:

‘ (1.) All matters of dispute between the company and the men are hereby settled.

‘ (2.) The wage schedule shall relate back to and be in full force and effect on and from August 1, 1912, and shall be as follows:—

‘ (3.) Motormen and conductors, per hour:

‘ For first year’s service... .. 20½ cents.

‘ For second year’s service... .. 21½ “

‘ For third year and thereafter... .. 23½ “

‘ (4.) *Sunday work*, motormen and conductors:

‘ For first year’s service... .. 24½ cents.

‘ For second year’s service... .. 25½ “

‘ For third year and thereafter... .. 27½ “

‘ (5.) *Overtime*. All time worked in excess of the regular scheduled run (not to include time when cars are late), shall be paid at the rate of four cents per hour over regular scale of wages.

‘ (6.) *Instructional work*. All motormen and conductors instructing new men shall be paid four cents per hour over regular scale of wages.

‘ (7.) *Motor and truck repairmen*. Men heretofore receiving 17 cents per hour shall be paid 19 cents per hour; men heretofore receiving 20 cents per hour shall be paid 22 cents per hour; men heretofore receiving 22½ cents per hour shall hereafter be paid 23 cents per hour; armature winder shall be paid 22 cents per hour; car cleaners shall be paid 18 cents per hour.

‘ (8.) *Sweeper work*. When sweeper or leveller is in service clearing snow from tracks, men operating same shall be paid at the rate of 27 cents per hour.

‘ (9.) *Uniforms*. Effective on and after July 1, 1912; men under three years’ service to pay one-half price of uniform; over three years’ service shall receive free uniform.

‘ (10.) *Grievances*. That all charges laid against employees will be fully investigated by an official selected by the company, and, after investigation, should the accused be found not guilty of the charge, he will be reinstated and paid for all time lost.

‘ (11.) That the proper officials of the company will be willing to treat at all reasonable times with any employee or any committee of its employees on any subject in the interest of the said employees. That all reasonable complaints or grievances will be heard by the proper officials of the company, or committee of the employees, failing to get satisfaction, shall have the right to appeal at any reasonable time to the Board of Directors of the Company.’

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The situation that was presented when first the Board approached the consideration of the questions in dispute was one of considerable difficulty, and, for a time, it seemed as if a strike of the employees of the company was imminent, as each side in the dispute had seemingly determined to adhere to the contentions made at the early stages of the inquiry, and there seemed to be no basis for an adjustment of the dispute that would be regarded as mutually acceptable. The members of the Board felt that if the taking of evidence had once begun, the inquiry would not only have been a most protracted one, but would also have been liable to create and develop an antagonism between the disputing parties which would be quite opposed to the conciliatory spirit which is the essence of the beneficent legislation under which the Board was acting. The members of the Board therefore earnestly laboured to secure an amicable adjustment of the differences before any formal evidence was offered by either side, and the Board have now the pleasure of reporting that their labours eventually met with success.

The Board wish to express their appreciation of the aid received from the representatives of the men and company during the proceedings before the Board.

It was particularly gratifying to the Board to observe the good feeling which prevailed between the company and its employees throughout the whole of this inquiry now concluded.

All of which is respectfully submitted.

(Sgd.)

W. B. WALLACE,
Chairman.

G. S. CAMPBELL,
Jno. T. Joy.

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IX.—APPLICATIONS FROM CERTAIN MEMBERS, PORCUPINE MINERS' UNION NO. 145, WESTERN FEDERATION OF MINERS, EMPLOYED BY SEVERAL MINING COMPANIES IN SOUTH PORCUPINE.—JOINT BOARD ESTABLISHED BY CONSENT OF PARTIES CONCERNED.—STRIKE NOT AVERTED.

Applications received—Employees of McEnaney Mines, Limited, July 20, 1912; employees of McIntyre-Porcupine Mines, Limited, Jupiter Mines, Limited, Vipond-Porcupine Mines, Limited, and Plenaurnum Mines, Limited, July 26, 1912.

Parties concerned—McEnaney Mines, Limited, McIntyre-Porcupine Mines, Limited, Jupiter Mines, Limited, Vipond-Porcupine Mines, Limited, Plenaurnum Mines, Limited, and employees, members of Porcupine Miners' Union No. 145, Western Federation of Miners.

Applicants—Employees.

Nature of industry concerned—Metal mining.

Nature of dispute—Proposed reduction in wages.

Number of employees affected—McEnaney Mines, Limited, directly, 40; indirectly, 1,000; other mines, directly, 225; indirectly, 1,000.

Date of constitution of Board—August 23, 1912.

Membership of Board—Mr. Peter McDonald, Woodstock, Ont., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. H. E. T. Haultain, Toronto, Ont., appointed on the recommendation of the employing companies; and Mr. Wm. C. Thompson, South Porcupine, Ont., appointed on the recommendation of the employees concerned.

Reports received—October 21, 1912; November 7, 1912.

Result of inquiry—Report of Board was accompanied by a minority report signed by Mr. Thompson. The majority report was not acceptable to the employees concerned, and on November 15 a strike was declared which had not been terminated at the end of the fiscal year. Operations had, however, been resumed in a number of the mines in question.

During the month of July two applications had been received on behalf of the employees in the above mentioned mines, the total number affected being given as 265 directly and 2,000 indirectly. The matters in dispute related to wages, the mine owners having given notice of a reduction in the scale of wages they were then paying.

The majority report was signed by the chairman and Mr. Haultain, and stated that in their opinion the scale of wages proposed by the mine owners was fair and reasonable and practically equal to that paid by the other large producing mines in the Porcupine mining district. It was recommended, however, that the deckmen, who, from the nature of their work, must be experienced miners, should be paid \$3 per day instead of \$2.75 per day as proposed.

Mr. Thompson, in his minority report, upheld the contentions of the men that their wages should not be reduced.

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REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:

In the matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between McIntyre-Porcupine Mines, Limited, Vipond-Porcupine Mines, Limited, Jupiter Mines, Limited, Plenaurnum Mines, and McEnaney Mines, employer; and their employees, being members of Porcupine Miners' Union No. 145, Western Federation of Miners, employees.

To the Hon. T. W. CROTHERS,
Minister of Labour,
Ottawa, Ont.

HONOURABLE SIR,—The Board appointed to investigate this matter beg respectfully to report as follows:—

The Board met and took evidence in South Porcupine on September 10, 1912, and in Timmins, Ont., from September 11 to September 17, 1912, inclusive. Mines and hospitals were inspected in the Porcupine District and in Cobalt in order to compare the working, living and sanitary conditions in these mining camps. The Board also met for two days in Toronto.

This dispute arose on account of a proposed reduction of wages by these mine owners who employ in all about two hundred and twenty-five men, and have been paying a slightly higher rate of wages than the Dome and Hollinger mines, which latter are the two largest producing mines in the Porcupine mining district, and together employ about six hundred men, and it was proposed to reduce the rate of wages to that paid by these two largest mines.

The employees objected to this reduction, and the dispute was referred to this Board for investigation.

Schedules of wages paid by other mines in Porcupine and Cobalt and other districts were filed and oral evidence and argument was heard from both parties to the dispute.

The employees also complained of the poor food supplied and of the lack of ventilation in the bunkhouses. The Board, therefore, inspected the boarding and bunkhouses, where the mining companies have contracted for their employees to be supplied with board and lodging for seventy-five cents per day each, and found the food and sleeping accommodation good, except that some method of enforced ventilation of the sleeping apartments is absolutely necessary, as the miners appear to abhor fresh air in their sleeping rooms. It is especially recommended that there be a regular monthly inspection by a public health inspector of all mining camps in order that all reasonable precautions may be taken for the preservation of the health of the men. A proper bath house and 'dry' ought to be provided by each mine, so that the men can wash and bathe themselves and change and dry their working clothes. Some of the mines now have this accommodation and the others state that they intend installing it at once.

At the Pearl Lake hospital at Schumacher, Ont., where the employees of these mines are treated, there were no patients, and the doctor and nurses reported that there was very little sickness and very few accidents. At the Dome Mines' hospital, where four hundred and sixty-eight men were entitled to treatment, there had been from April 1, 1912, to September 15, 1912, only thirteen medical cases and eight surgical or accident cases. At the Cobalt Mines hospital, where about three thousand two hundred men are entitled to treatment, there were only seventeen being treated on September 18, 1912, when the Board inspected the hospital. Five of these were typhoid and eleven were accident cases. From this it is apparent that mining in the Porcupine and Cobalt regions is not an unhealthy occupation.

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The hospital and medical fees (which are one dollar and a half per month in the Porcupine District) are deducted from the wages, and after deducting the charges for board and hospital service, the surface labourer, who is the poorest paid employee, will have a surplus of \$40.50, and the machine men, who are nearly the highest paid, will have a surplus of \$66.50 per month of twenty-six working days of nine hours each. These are good wages in view of the fact deposed before us that a 'mucker,' who is an underground labourer, can learn to operate a hammer or piston drill in from three to four weeks, and so earn \$3.50 per day.

The scale of wages as proposed by the mine owners is paid to and accepted by the majority of the miners in the Porcupine mining district, and is practically the same as the Cobalt union scale of wages, which is paid to and accepted by the union miners at Cobalt, where the work and conditions are very similar to those in the Porcupine mining district, and it is far higher than the Cobalt Mine Managers' scale of wages, under which the great majority of the miners at Cobalt are now working.

After due investigation and consideration, this Board is of the opinion that the scale of wages proposed by the mine owners is fair and adequate (except for the deckmen), and is practically equal to that paid by the other larger producing mines in the Porcupine mining district. We recommend, however, that the deckmen, upon whose knowledge and coolness in case of flooding or accident in the mine, the lives of the men would partially depend, and who ought to be experienced miners, be paid three dollars per day instead of two dollars and seventy-five cents as proposed.

Until recently, the Jupiter and Vipond mines have charged one dollar per day to each of their employees for board and lodging. The McIntyre, McEnaney and Plenaurem charged seventy-five cents per day. Provision has now been made to supply all the employees of these mines with board and lodging at seventy-five cents per day. So far, therefore, as the Jupiter and Vipond mines are concerned, while there is a proposed reduction of wages, there is also a reduction of twenty-five cents per day in cost of board which goes to offset the proposed reduction in wages.

At the Plenaurem mines the rate of wages paid and the price of board, with the exception of a few minor changes, has always been the same as the proposed reduced scale, so that no change worth considering is made in the condition of the employees of this mine by the proposed reduction of wages.

At the Vipond and Jupiter mines, after allowing the twenty-five cents reduction in price of board, there will be a general reduction by the proposed cut in wages of twenty-five cents per day in nearly every case for each employee.

The McIntyre and McEnaney mines will benefit the most by the proposed reduction, as no change in the price of board is made to offset the reduction in wages.

A close comparison of the proposed reduced wage scale shows that it is almost identical with the Cobalt Miners' Union scale which is paid to the employees of the Temiskaming and other mines at Cobalt, and under which about twenty-five per cent of the miners employed at Cobalt are working. It is also practically identical with that fixed by the Board of Conciliation for the employees of The Wettlaufer Lorrain Silver Mining Company on February 28, 1911, and is evidently based upon the above-mentioned scales of wages and, upon those of the Dome mines, the Hollinger mine and the North Dome Mine, which three latter mines employ in all about six hundred and fifty men and are all in the Porcupine mining district and are neighbouring mines to those now under investigation.

The proposed reduced scale of wages is also far higher than the 'Mine Managers' scale of wages at Cobalt,' under which about seventy-five per cent of the miners employed there are now working ten hours per day.

Attached to this report are the following schedules for the sake of comparison, namely:—

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SCHEDULE 'A' being a 'comparative wage scale' showing the hours now worked, the wages paid, and the charges for board at the Jupiter, Vipond, Dome, McIntyre, Hollinger, McEnaney, North Dome and Plenaurnum mines.

SCHEDULE 'B,' showing the proposed reduced wage scale for the Jupiter, Vipond, McIntyre, McEnaney and Plenaurnum mines proposed to become effective on August 1 and September 1, 1912, together with the reasons given by the mine managers for adopting such scale.

SCHEDULE 'C' showing the Cobalt Miners' Union scale and the proposed Porcupine scale side by side.

SCHEDULE 'D,' showing the Proposed Porcupine scale and the Cobalt Mine Managers' scale side by side.

SCHEDULE 'E,' showing the scale of wages, hours of work and cost of board and lodging which this Board considers to be fair and just for the employees of the McIntyre, Porcupine Mines Ltd., The Jupiter Mines Ltd., The Vipond Porcupine Mines Co. Ltd., The Plenaurnum Mines Co. Ltd., and The McEnaney Mines.

It will be seen from a perusal of this latter schedule that the proposed reduced scale has been adopted with a few changes by this Board as a fair and reasonable rate of wages, hours of work and charges for board to be paid to, and required of the employees of these mines, by their employers.

The Porcupine mining district is yet comparatively new, and the living and working conditions were undoubtedly rough and hard before the advent of the railway. Now, however, these conditions are improving daily and they will undoubtedly continue to improve steadily in the future.

The proposed scale of wages marked 'Schedule E,' if adopted, will become effective on November 1, 1912, and is recommended to both parties as a fair and equitable one which, if adopted by both parties and carried out in good feeling and good faith, will prove to be the standard rate of wages in the Porcupine mining district.

It is further recommended by this Board that, in all future disputes or differences, each party shall choose an arbitrator and they shall choose a third one and if they cannot agree on such third arbitrator, that the Minister of Labour be asked to appoint the third one and that the decision of these three arbitrators, or a majority of them, shall be accepted by both parties as a settlement of the matters then in dispute.

The Board desires to congratulate the employees and their representatives and the mine managers on the good feeling that prevailed between them during all the sittings of the Board and to thank them all for the unfailing courtesy and assistance manifested and given to the Board for the purpose of reaching a full understanding of the matters in dispute between them.

All of which is respectfully submitted this tenth day of October, A.D. 1912.

(Sgd.) PETER McDONALD,
Chairman.

(Sgd.) _____
Representing the Employees.

(Sgd.) H. E. T. HAULTAIN,
Appointed on the recommendation of the Employers.

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SCHEDULE 'A.'

COMPARATIVE WAGE SCALE.

	Jupiter 9 hours.	Vipond 9 hours.	Dome 9 hours.	McIntyre 9 hours.	Hollinger 9 hours.	Mc- Enaney 9 hours.	N. Dome 9 hours.	Plen- aurum 9 hours.
Board rate.....	\$ 1.00	\$ 1.00	\$ 20.00	\$.75	\$.60	\$.75	\$.75	\$.75
Machine men.....	4.00	4.00	3.50	4.00	3.50	3.75 8 h.	3.50	3.50
Sinking.....	4.25				4.00	4.50		
Helpers.....	3.50	3.50	3.00	3.25	3.00		3.00	3.00
Sinking.....					3.50			
Muckers.....	3.25	3.25	2.52	2.75	2.75	3.25 8 h.	2.75	2.75
Topcarmen.....	3.25			2.75		3.00	2.75	2.75
Timbermen.....	4.00	4.00	3.50	3.75	4.60	3.75		
" helpers	3.25	3.50		2.75	3.00	3.25		
Nippers.....		3.25	2.25					2.75
Powdermen.....			3.50		3.50			
Compressor engin- eer.....			4.05	8 h.	4.00	4.00 12 h.		4.00
Compressor and hoist engineer..	4.50 12 h.	4.50 12 h.		4.00 8 h.			75.00 & bd	4.50
Hoist and boiler..	4.00							4.00
Hoistmen.....			2.70	3.75	3.00	3.75	3.75	3.00
Carpenters.....	3.75	4.00	3.50		3.50	3.75		3.50
" helpers.	3.50				3.25	3.25		
Machinists.....			4.00		3.50			
" helpers.					2.50			
Steam fitters.....				3.75				
Pipe fitters.....			3.15	2.75	3.00	3.25	2.75	
Pumpmen.....					3.75			
Blacksmith.....	4.25	4.00	3.50		4.00	4.25	3.50	4.00
" helpers	3.50	3.25	2.52		3.10	3.25	2.75	2.75
Surface labour....	3.00	3.00	2.25		2.50	3.00	3.00	2.75
Firemen.....	3.50 12 h.	3.50	2.40 8 h.	3.00 12 h.	3.25 12 h.	3.25 12 h.	3.30 12 h.	3.50 12 h.
Teamsters.....	\$60 & bd.	\$60 & bd.		2.61			\$50 & bd.	\$65 & bd.

SCHEDULE 'B.'

MCENANEY MINES, PORCUPINE,

SCHUMACHER P.O., ONT., July 23, 1912.

F. A. ACLAND, Esq.,
Deputy Minister of Labour,
Ottawa, Ont.

'Re' Industrial Disputes Act.

DEAR SIR,—I have to acknowledge the receipt of your night letter received at noon to-day. I immediately wired you that this company's statement was being prepared and would be forwarded to you immediately.

The conditions are as follows:—

(1.) The company posted a schedule of the wages that they intend to pay on and after August 1.

(2.) The company has never at any time had or posted any regular schedule or scale of wages.

(3.) Exception was taken to this scale by the local branch of the Western Federation of Miners, but not by any representative body of the company's own employees. It was represented to the committee of the union that this company did not recognize the union officially or the camp as a union camp. It was pointed out to them that the scale of wages coming into effect August 1 was a higher scale than the Cobalt camp generally and was in every way similar to the scale now in operation in this

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camp on the two largest mines, namely, the Hollinger and Dome, employing some six hundred men. Further, that the schedule is as high as in any mining camp in Canada.

(4.) That the union had not at any time taken any official or non-official standing in the matter of these two producing mines' wage scale.

(5.) That the wages paid in the last few months were looked upon by the company in the light of a bonus in so far as it was higher than that now adopted.

(6.) That in all new mining camps during that period in which there is much speculation and where properties are under option for large sums of money, extraordinary wages are often paid until such extraordinary conditions cease to exist. This company submits that those extraordinary conditions have now ceased to exist. That the future prospects and welfare of this company depends on intelligent and economical management, which fact forces us into the position we have adopted.

Respectfully submitted,

(Sgd.) MAURICE W. SUMMERHAYES,
Manager.

P.S.—Enclosed is a copy of schedule posted.

NOTICE.

(Part Two.)

The following schedule of wages will be in force on and after August 1, 1912:—

Machine men.....	9 hours	\$3.50
" (sinking).....	9 "	4.00
Machine helpers.....	9 "	3.00
" (sinking).....	9 "	3.50
Muckers.....	9 "	2.75
Timbermen.....	9 "	3.50
" helpers.....	9 "	3.00
Compressor and hoist engineer.....	12 "	4.00
Underground hoist man.....	9 "	3.00
Carpenters.....	9 "	3.50
" helpers.....	9 "	3.25
Machinists.....	9 "	3.50
" helper.....	9 "	2.50
Pipe fitters.....	9 "	3.00
Blacksmith.....	9 "	4.25
" helper.....	9 "	3.00
Surface labourers.....	9 "	2.50
Firemen.....	12 "	3.25
Teamsters.....	per month, \$60 and board.	

(Part Three.)

Schedule of wages to become effective September 1, 1912:—

Machine men.....	9 hours	\$3.50
" (sinking).....	9 "	4.00
Machine helpers.....	9 "	3.00
" (sinking).....	9 "	3.50
Muckers.....	9 "	2.75
Timbermen.....	9 "	3.50
" helpers.....	9 "	3.00
Compressor and hoist engineer.....	12 "	4.25
Surface hoistmen.....	9 "	3.50
Underground hoistmen.....	9 "	3.00
Carpenters.....	9 "	3.50
Tool sharpeners.....	9 "	4.00
Tool sharpeners' helper.....	9 "	3.00
Surface labourers.....	9 "	2.50
Firemen.....	12 "	3.25
Teamsters.....		2.75
Deckmen.....	9 "	2.75
Cage tenders.....	9 "	3.00

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SCHEDULE 'B.'—*Continued.*

(Part Four.)

SCHUMACHER, Ont., July 27, 1912.

To the Registrar,

Boards of Conciliation and Investigation,

Department of Labour, Ottawa, Ont., Canada.

SIR,—In compliance with the statutes we beg to submit the following statement in answer to the application made by the Porcupine Miners' Union for an appointment of a Board of Conciliation and Investigation. Our reasons for posting the scale of wages, which has brought on the dispute, are as follows:—

(1.) A uniform scale of wages in a mining camp where conditions in each mine are practically the same is absolutely essential to the operators, in order that no one company have undue advantage over the others in securing labour.

(2.) The scale of wages to be paid is higher than the average miners' pay throughout the West, distinctly better than in Cobalt, where in many sections the hours are greater, and equal to that paid by the Dome Mines, Limited, and Hollinger Gold Mines, Limited, both of which are in the immediate vicinity and are producing mines working at a large profit.

(3.) The number of men affected by the new wage scale are a minority of the miners in the vicinity, most of whom are at present working for the same or less wages.

(4.) Many of the smaller mines (in contradistinction from the Dome Mines, Limited, and the Hollinger Gold Mines, Limited) were obliged to pay higher wages in the early development of their properties in order that as much work as possible should be accomplished before the entire purchase price of the mine was due, and labour was paid for on a scale commensurate with the managers' desire for speed.

(5.) During the early development of the mines, living conditions were rough and a high wage was the natural outcome of these conditions; but now that the railroad is completed, living conditions are the same as those prevailing in any other town of the same size in Northern Ontario. The workmen are lodged and fed for 75 cents per day, which is distinctly less than current rates in all western mining camps.

(6.) The majority of the local miners are of limited experience and efficiency and, when compared to the miner getting the same wages in western camps, gives a striking reason for the increased cost of mining in this country over that in similar camps.

We hereby append the proposed scale for your consideration.

(Signed.)

C. B. FLYNN,

McIntyre Porcupine Mines, Ltd.

J. H. RATTRAY,

Mgr. Jupiter Mines, Ltd.

C. H. POIRIER,

Vipond Porcupine Mines, Ltd.

C. E. WATSON,

Plenaurum Mines.

SCHEDULE 'C.'

	Cobalt Union Scale.	Porcupine Proposed Scale.
Carpenters...	\$3.50 9 hours	\$3.50 9 hours
Mechanics	3.50 9 "	3.50 9 "
Pipe fitters...	3.00 9 "	3.00 9 "
Blacksmiths	3.50 9 "	4.25 9 "
Helpers.....	2.75 9 "	3.00
Engineers....	3.25 (9 hrs. or 32½c. hr.)	4.25 (12 hr.)
Firemen.	2.75 (9 hrs. or 27½c. hr.)	3.25
Ore sorters...	2.75	
Hammermen...	3.00	
Teamsters....	2.75	2.75
Hoistmen....	2.75 (9 hrs. or 27½c. hr.)	3.50 surf. 3.00 under.
Cage or bucket tenders	2.75	2.75 deck. 3.00 cage.
Other surface labour..	2.50	2.50
Underground—		
Timbermen.....	3.50	3.50
Machine men.....	3.50	3.50
Helpers	3.00	3.00
Cage or bucket tenders.....	2.75	2.75
Other underground labour.....	2.75	2.75
Board.....	.60	.75
Shaft work.....	.25 extra.	.50 extra.
(Oil clothes to be furnished in wet shafts).		
Working hours underground...	9 hours	9 hours
Working hours surface.....	9 "	9 "
Cooks, minimum.....	.75.00	

SCHEDULE 'D.'

Wage scales of Cobalt mines paid by most of the mine owners of Cobalt:—

Occupation.	Hours per day.	New Porcupine Scale.	Cobalt Mine Managers
Machine men.....	9	\$3.50	\$3.25 10 hrs.
Machine men (sinking).....	9	4.00	3.50
Machine helpers.....	9	3.00	2.75
Machine helpers (sinking).....	9	3.50	3.00
Muckers.....	9	2.75	2.50
Timbermen.....	9	3.50	3.25
Timbermen helpers.....	9	3.00	2.75
Compressor and hoist engineer.	12	4.25	3.30
Surface hoistmen.....	9	3.50	2.75
Underground hoistmen.....	9	3.00	2.75
Carpenters.....	9	3.50	3.25
Tool sharpeners.....	9	4.00	3.75
Tool sharpeners' helpers.....	9	3.00	2.50
Surface labourers.....	9	2.50	2.25
Firemen.....	12	3.25	3.00
Teamsters.....	9	2.75	2.50
Deckmen.....	9	2.75	2.25
Cage tenders.....	9	3.00	2.50
Board.....		.75	.60

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SCHEDULE 'E.'

Scale of wages proposed by Board of Conciliation for Employees of the Jupiter, Vipond, McIntyre, McEnaney and Plenaurem Mines.

Machine men	9 hours	\$3.50
" (sinking)	9 "	4.00
Machine helpers	9 "	3.00
" (sinking)	9 "	3.50
Muckers	9 "	2.75
Timbermen	9 "	3.50
" helpers	9 "	3.00
Compressor and hoist engineers	12 "	4.25
Surface hoistmen	9 "	3.50
Underground hoistmen	9 "	3.00
Carpenters	9 "	3.50
Tool sharpeners	9 "	4.00
Tool sharpeners' helpers	9 "	3.00
Surface labourers	9 "	2.50
Firemen	12 "	3.25
Teamsters		2.75
Deckmen	9 hours	3.00
Cage tenders	9 "	3.00
Machinists	9 "	3.50
" helper	9 "	2.50
Pipe fitters	9 "	3.00
Blacksmith	9 "	4.25
Blacksmith's helper	9 "	3.00
Board and lodging 75 cents per day.		

MINORITY REPORT.

The text of the minority report of Mr. Thompson, member appointed on behalf of the employees concerned, is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and a dispute between McIntyre Porcupine Mines, Ltd., Vipond Porcupine Mines, Ltd., Jupiter Mines, Ltd., Plenaurem Mines, Ltd., McEnaney Mines, and their employees, being members of Porcupine Miners' Union No. 145, W. F. of M.

To the Hon. T. W. CROTHERS,
Minister of Labour,
Ottawa, Ont.

HONOURABLE SIR,—I am just in receipt of the report of chairman of the Board of Conciliation *re* South Porcupine dispute, and after two days' deliberations on the questions at issue by Toronto sessions of the Board, and a careful perusal of its contents since reduced to writing, I must say that I do not think it a just award, consequently must refrain from attaching my signature. And to substantiate my opinion as to the award not being just, would offer the following for your consideration, all of which has been submitted to the Board as evidence, and while the dispute in the terms of the application for the Board had but reference to the above-named properties respecting wages, there was much evidence introduced relative to poor accommodations and food, all of which I would take merely as auxiliary evidence in support of the employees' claim that wages should not be reduced.

With reference to the Dome and Hollinger employing a larger force of men and at a smaller rate of wage, which though perhaps may appear to be true as to small wages, yet a close investigation, I think, would reveal figures that would startle those who are of the opinion that the Dome and Hollinger are paying less wages per man than adjoining mining companies if the statements of their employees can be taken as correct, and at the present time I have no reason to doubt their word. However, and for the sake of argument, should it be true that the Dome and Hollinger are actually paying a less wage per man than those companies with refer-

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ence to the dispute, I don't think at any time that is a logical criterion to go by, simply because Dome and Hollinger are only paying \$3.50 per day that is all anybody else is going to pay. Three dollars and fifty cents per day of eight hours has been recognized as a miner's wage for years past, and in view of the very material increased cost of the necessities of life in the past few years, a statement which the Canadian Government will bear me out in, I would then ask is it just to still ask a miner to work for \$3.50 per day of 9 hours, even though he may procure board and lodging for 75 cents per day while in the company's employ; and I assure you that such prices can not be obtained outside of those company boarding houses which, in my humble opinion, further substantiates the statement that at least \$1 per day is necessary to board and lodge a workman. Also, taking into consideration that he is working at a very hazardous and unhealthy occupation, and while just here the chairman makes mention of visiting hospitals in this and the Cobalt districts, and from figures submitted for his consideration it would appear that mining in the Porcupine and Cobalt district is not an unhealthy occupation, as to whether or not mining is unhealthy and hazardous I think can be safely left with those departments of various governments who have made a specialty of gathering data relative to that question, considering at the same time that mining in Ontario is practically the same as mining anywhere else in the mining world. And with those few remarks I may draw to a close, for arguments of this nature have failed so far to induce my colleagues on the Board that the employees were justified in resisting this reduction in wages, and the Board failing to agree upon an award, I think that in this case at least would designate failure on the part of the Industrial Disputes and Investigation Act, 1907, to bring about an agreement satisfactory to both parties to the dispute.

Yours very truly,

WM. THOMPSON.

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X.—APPLICATION FROM STREET RAILWAY EMPLOYEES, MEMBERS OF NATIONAL BROTHERHOOD OF STREET RAILWAY EMPLOYEES, EMPLOYED BY THE QUEBEC RAILWAY, LIGHT, HEAT AND POWER COMPANY.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—AGREEMENT CONCLUDED.

Application received—August 29, 1912.

Parties concerned—The Quebec Railway, Light, Heat and Power Company, and street railway employees, members of National Brotherhood of Street Railway Employees.

Applicants—Employees.

Nature of industry concerned—Street railways.

Nature of dispute—Wages; also demand for recognition of union and for reinstatement of certain employees.

Number of employees affected—Directly, 231; indirectly, 30.

Date of constitution of Board—September 25, 1912.

Membership of Board—Honourable Mr. Justice C. E. Dorion, Quebec, Que., chairman, appointed on the joint recommendation of the other members of the Board; Mr. J. L. Perron, K.C., Montreal, Que., appointed on the recommendation of the employing company; and Mr. J. P. N. Simard, Quebec, Que., appointed on the recommendation of the employees concerned.

Report received—December 12, 1912.

Result of inquiry—A unanimous report was presented by the Board embodying an agreement, signed by both parties, which disposed of all points at issue.

The Minister received, on December 12, the unanimous report of the Board of Conciliation and Investigation appointed to inquire into certain matters in dispute between the Quebec Railway, Light, Heat and Power Company and its street car employees, members of the National Brotherhood of Street Railway Employees. The number affected was given as 231 directly and 30 indirectly. The dispute grew out of the employees' demand for increased wages, recognition of the union, and reinstatement of certain dismissed employees.

The report of the Board embodied the terms of an agreement signed by both parties concerned, which disposed of all points at issue. The agreement provides for an increased scale of wages, and states that the company does not recognize the National Brotherhood of Street Railway Employees, but has no objection to its employees belonging to the union; also that the company has reinstated two of the dismissed employees, the reports leading to their dismissal having been found to be erroneous.

In a letter received on December 24 from an official of the brotherhood on behalf of the employees concerned, satisfaction was expressed at the prompt adjustment of the dispute through the efforts of the Board of Conciliation and Investigation.

REPORT OF BOARD.

The following is a translation of the text of the report of the Board of Conciliation and Investigation in this matter:

QUEBEC, November, 1912.

In the matter of the Industrial Disputes Investigation Act, 1907. Dispute between the Quebec Railway, Light, Heat and Power Company and its street railway employees.

J. A. ALVARD, Esq.,
Deputy Minister of Labour and Registrar of Boards of Conciliation and Investigation,
Ottawa, Ont.

Sir:—The undersigned members of the Board of Conciliation and Investigation appointed for the above dispute have the honour to report as follows:—

The proceedings of the Board of Conciliation and Investigation appear in the minutes hereto attached.

In consequence of these proceedings the parties consented to sign the following document, which ended the dispute submitted to the Board:—

Agreement between the Quebec Railway, Light, Heat and Power Company and its street railway employees, to settle the dispute submitted to the Board of Conciliation and Investigation on August 27, 1912.

(1.) The company agrees to pay, and its street railway employees (conductors and motormen) accept, the following wages:—

From November 1, 1912, to November 1, 1913:—

First year employees..	17½ cents an hour
Second year employees..	18½ " "
Third year employees..	20½ " "
Eighth year employees..	21½ " "
Thirteenth year employees..	22½ " "

From November 1, 1913:—

First year employees..	18½ cents an hour.
Second year employees..	19½ " "
Third year employees..	21½ " "
Eighth year employees..	22½ " "
Thirteenth year employees..	23½ " "

(2.) The company does not recognize the union called the National Brotherhood of Street Railway Employees No. 1, of Quebec, but declares that it has no objection to its employees belonging to this union.

(3.) The company declares that it has reinstated two of the employees dismissed, namely, François Bilodeau and Laverdière, these employees having been dismissed on reports which after inquiry have been found to be erroneous, but which had been accepted in good faith and not because the dismissed employees were members of a union.

For the company:—

(Sgd.)

H. G. MATTHEWS,
General Manager.

For the employees:—

(Sgd.)

ROSALIE FAUCHER.

(Sgd.)

RAOUL BEDARD.

Quebec, November 30, 1912.

The greatest cordiality prevailed throughout the sessions of the Board between the employees and the representatives of the company. Both parties have been evidently animated with the desire to adjust their differences amicably and have shown a great deal of deference towards the members of the Board.

Respectfully submitted,

(Sgd.)

J. P. N. SIMARD.

J. L. PERRON,

C. E. DORION,

Chairman.

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XI.—APPLICATION FROM EMPLOYEES, MEMBERS OF HALIFAX LONGSHOREMEN'S ASSOCIATION, EMPLOYED BY CERTAIN STEAMSHIP COMPANIES DOING BUSINESS AT THE PORT OF HALIFAX, NAMELY: PICKFORD AND BLACK, FURNESS WITHY COMPANY, T. A. S. DE WOLFE AND SON, CANADA ATLANTIC AND PLANT STEAMSHIP COMPANY, S. CUNARD AND COMPANY, AND ROYAL STEAMSHIP COMPANY.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—AGREEMENT CONCLUDED.

Application received—September 11, 1912.

Parties concerned—Certain steamship companies doing business at the port of Halifax, N.S., namely: Pickford and Black, Furness Withy Company, T. A. S. DeWolfe and Son, Canada Atlantic and Plant Steamship Company, S. Cunard and Company, and Royal Steamship Company, and employees, members of Halifax Longshoremen's Association.

Applicants—Employees.

Nature of industry concerned—Shipping.

Nature of dispute—Wages.

Number of employees affected—500.

Date of constitution of Board—September 21, 1912.

Membership of Board—His Honour Judge W. B. Wallace, Halifax, N.S., chairman, appointed on the joint recommendation of the other members of the Board; Mr. George A. McKenzie, Halifax, N.S., appointed on the recommendation of the employing companies; and Mr. Arthur M. Hoare, also of Halifax, N.S., appointed on the recommendation of the employees concerned.

Report Received—October 15, 1912.

Result of inquiry—A unanimous report was presented by the Board in which it was stated that an agreement had been arrived at by the parties concerned, effective from October 15, 1912, to December 31, 1913, and thereafter from year to year, unless either party gives notice to the contrary at least thirty days prior to the expiration of any calendar year.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

Re Industrial Disputes' Investigation Act, 1907.

To the Honourable
The Minister of Labour,
Ottawa, Ont.

The Board of Conciliation appointed in relation to the differences between the steamship agents at the port of Halifax and the Longshoremen's Association of Halifax met on Monday afternoon, September 23, and subsequently almost every day until this evening.

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The main question for investigation concerned the rate of pay for longshoremen at the port of Halifax, but there were other questions in the background which, it was claimed, constituted grievances to one or other of the parties in dispute.

Since the year 1907 the longshoremen at Halifax have been paid 25 cents per hour for day work and 30 cents per hour for night work. They asked that the day rate be increased to thirty cents and the night rate to thirty-five cents. The steamship agents had offered an increase of ten per cent on the existing day and night rate, which offer was refused by the longshoremen.

After full and exhaustive public hearings in relation to every phase of this question, and protracted private discussion and negotiation by the Board, in the endeavour to secure an adjustment acceptable to both sides of the dispute, it appeared impossible to reach a settlement that would be acceptable to both sides. At a meeting of the Board on Friday, October 4, it was therefore decided that the chairman should prepare the report to your department regretting that the Board had not been successful in securing a satisfactory settlement, and stating that the three members of the Board had each conflicting views on the main question between the parties in dispute. The representative of the longshoremen felt it his duty to insist upon the claim of the men being granted without any modification, as he believed that the facts which had been submitted to the Board amply warranted this course. The representative of the steamship agents would not agree to this view, but was willing to recommend an increase to 28 cents per hour in the day rate and to 33 cents per hour in the night rate. The chairman was prepared to recommend that a night rate of 35 cents be granted, but that the day rate should be 28 cents, and not 30 cents as requested by the longshoremen.

The report, setting out these facts, was prepared accordingly, and the Board adjourned, to meet on Saturday afternoon to sign it and forward it to your department. On Saturday morning, however, the chairman, with the concurrence of the other members of the Board, interviewed a number of the steamship agents at their respective offices, and subsequently conferred with Mr. Joy on behalf of the men, for the purpose of making another effort to secure a final settlement of the dispute. As a result of these conferences held on Saturday morning it was decided by the Board at its meeting on Saturday afternoon to delay signing and mailing its report until October 10, and thus enable the parties to the dispute to consider various new suggestions made in the hope of settling the dispute by a reasonable compromise on the question of the rate of pay and by the adjustment of outstanding differences on a large number of other questions.

In pursuance of certain negotiations, definite propositions dealing with all the points in dispute were approved of yesterday by the steamship agents and submitted to and accepted by the men at a mass meeting of the longshoremen held last night, which meeting empowered Mr. Joy to execute an agreement on behalf of the Longshoremen's Association of Halifax containing the terms so submitted. A copy of the said agreement is herewith enclosed. It embodies and adopts the following recommendations set out in paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l), which were unanimously adopted by the Board.

(a.) The rate of pay shall be at the rate of 28 cents per hour for day work, and 35 cents per hour for night work.

(b.) Meal hours to be from 12 noon to 1 p.m., from 6 to 7 p.m., from 12 to 1 a.m., and from 7 to 8 a.m., as a breakfast hour when men have worked during the night. All work performed during meal hours shall be paid at double rate.

(c.) There shall be a uniform period for winter work, which shall be from November 15 until March 31, when work shall start from eight o'clock in the morning all over the waterfront, except in case of mail or passenger boats.

(d.) It shall be optional with any man not to work longer than twenty successive working hours.

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(e.) Waiting time. From 7 a.m. to midnight, time to be paid at full rate for first hour of each period of waiting time, and at half rate for succeeding hours until midnight; after midnight full rate to be paid.

(f.) Where work is not to be carried on after midnight the day's work shall be concluded at 11 p.m. at Richmond, elsewhere at 11.30 p.m. This is not to apply whenever work on a ship is nearing completion, or to perishable cargo.

(g.) Work done on Sundays, Christmas Day and Labour Day to be paid for at double rate.

(h.) When work is suspended for lack of shunting facilities the rate of pay shall be the same as for waiting time under clause (e).

(i.) All men required to start work on ships in port on Sunday nights shall be ordered out and paid from a time not later than 8 p.m. This clause, however, shall not apply to coastal steamers.

(j.) In the event of minor disputes arising between longshoremen and their employer, or in the event of any doubt arising as to the interpretation of any term of this agreement, the business manager of the Longshoremen's Association shall be empowered to confer with the employer, and if a settlement is arrived at between them the longshoremen shall be bound by his decision.

(k.) The Longshoremen's Association shall use all the powers of its organization to prevent irregularity of attendance at work on the part of the men, and to ensure that a sufficient supply of men shall be hereafter available.

(l.) An agreement embodying these terms shall come into operation from the 15th day of October, 1912, and continue in force until December 31, 1913, and shall continue thereafter from year to year unless or until either party gives notice to the contrary at least thirty days prior to the expiration of any calendar year.

The Board have decided to refer to your department the letter of Mr. de Wolfe dealing with the grievance of the steamship agents in relation to the right of the consignee to take delivery of the cargo from the ship's tackle: Herewith enclosed is the original letter, which the chairman and the representative of the steamship agents consider undoubtedly discloses a grievance and asserts a right, which is not waived, and the legality of which cannot be questioned.

The Board wish to state that they found the question of the rate of pay submitted for investigation a very difficult one.

In other classes of employment where men are engaged regularly it may not be difficult to devise some mode of wage determination which would be reasonably fair, but the Board felt that the peculiar nature of the work of longshoremen, and the special conditions prevailing at the port of Halifax, made this question of the rate of pay a very difficult one to decide justly to all concerned. In comparing the wages paid to workmen in other employments which were cited to the Board as similar to that of stevedores, the Board recognized distinctions which give to stevedores a strong claim for special consideration. A stevedore must possess not only the physical endurance and strength of a workman belonging to the other classes referred to, but must also have certain skill which an ordinary workman is not supposed to possess. Again, owing to the heavy and wearing and sometimes hazardous nature of the labour of stevedores there is apt to come earlier in life a physical disability and, in some cases, an impairment of efficiency through the misfortune, rather than the fault, of this class of workman. The Board were anxious to give due weight to these considerations. On the other hand, the chairman and the representative of the steamship agents on the Board felt that the problem of wage adjustment in this matter would be more easily solved if a system of classification on the basis of skill could be devised which would guarantee to the more skilled workman adequate payment. At present the absence of a satisfactory system of classification is liable to result in injustice not only

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to the employer of the labour but also to the more skilled class of longshoremen which, in the present case, admittedly would include a large majority of the longshoremen of Halifax.

The Board wish to express their appreciation of the aid received from Mr. Joy, representing the Longshoremen's Association, and from the committee representing the steamship agents. Such aid was not only helpful in the deliberations of the Board but was essential in obtaining ultimately the maximum of concession from the parties to the dispute and in securing a settlement mutually acceptable and thereby preventing a strike which at one time seemed inevitable and which, if it had occurred, would doubtless have been protracted, bitter and disastrous not only to the immediate parties to the dispute, but to the poor of Halifax.

All of which is respectfully submitted.

(Sgd.) W. B. WALLACE,
Chairman.

(Sgd.) A. M. HOARE.

(Sgd.) G. A. MacKENZIE.

HALIFAX, October 10, 1912.

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XII.—APPLICATION FROM CONDUCTORS AND MOTORMEN, MEMBERS OF DIVISION No. 591, AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC RAILWAY EMPLOYEES OF AMERICA, EMPLOYED BY THE HULL ELECTRIC RAILWAY COMPANY.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—SETTLEMENT REACHED.

Application received—September 18, 1912.

Parties concerned—The Hull Electric Railway Company and conductors and motormen, members of Division No. 591, Amalgamated Association of Street and Electric Railway Employees of America.

Applicants—Employees.

Nature of industry concerned—Electric railways.

Nature of dispute—Wages and conditions of employment.

Number of employees affected—Directly, 68; indirectly, 74.

Date of constitution of Board—October 1, 1912.

Membership of Board—Mr. Peter McDonald, K.C., Woodstock, Ont., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. George D. Kelly, Ottawa, Ont., appointed on the recommendation of the employing company; and Mr. George C. Wright, Hull, Que., appointed on the recommendation of the employees concerned.

Report received—November 2, 1913.

Result of inquiry—A unanimous report was presented by the Board making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.

The Minister received, on November 2, the report of the Board of Conciliation and investigation to which had been referred for adjustment certain matters in dispute between the Hull Electric Railway Company and its conductors and motormen. The report is signed by all three members of the Board, namely, Mr. Peter McDonald, of Woodstock, Ont., chairman; Mr. George D. Kelly, of Ottawa, Ont., the company's nominee; and Mr. George C. Wright, of Hull, Que., the employees' nominee. The dispute grew out of an application of the employees for increased rates of wages, which they claimed were necessary on account of the increased cost of living, the number of employees concerned being 68 directly and 74 indirectly.

The Board found unanimously that the employees were entitled to an increase of wages, and accordingly recommended that the following scale of wages should take effect on and from November 1, 1912, namely: Employees less than one year in the company's employ, 20 cents per hour during the first year of their employment; 21 cents for second-year men; 22 cents for third-year men; and 23 cents for men over three years in the company's employ. The report deals also with other conditions of employment, the Board recommending that the award, if adopted by the parties, shall remain in force for two and a half years, and that all future disputes should be referred to arbitration.

The award was accepted by both parties concerned.

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REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of The Industrial Disputes Investigation Act, 1907, and of a dispute between The Hull Electric Railway Company, employer, and Division No. 591, Amalgamated Association of Street and Electric Railway Employees of America, being the conductors and motormen of the Hull Electric Railway Company, employees.

To the Honourable T. W. CROTHERS,
Minister of Labour.

HONOURABLE SIR.—The Board appointed to investigate this matter beg respectfully to report as follows:—

The Board met and took evidence at Hull, Que., on October 14, 15, 17, 21, 22, 23, and 24, on which latter date the taking of evidence was concluded. The three members of the Board then met at Hull, Que., on October 25, and at Ottawa, Ont., on October 31 and November 1, 1912, and discussed the matter; interviews were had by the Board with Mr. Gale, manager of the Hull Electric Company, with Mr. Magnus Sinclair and Mr. J. A. Hopart of the committee representing the employees. After considerable trouble it was found impossible to effect an agreement between the parties and this award became necessary.

The dispute arose on account of an application by the men for an increased rate of wages which they claimed was necessary on account of the increased cost of living, and these employees claimed to be paid the same rate of wages as is paid to the Ottawa Electric Company's employees in Ottawa, Ontario, and they submitted the following schedule which they asked to be allowed, viz.:—

Twenty-five cents per hour for week days;

Twenty-seven cents per hour for Sundays;

Time exceeding ten hours, time and a half.

The company was represented before the Board by C. C. Gale, manager, and Mr. E. J. Daly, and the employees were represented by Messrs. Magnus Sinclair, J. A. Noel, Jas. Boutcliffe and Wm. Sutherland. Exhibits were filed and oral evidence given as to the rate of wages paid to employees of street railways in different parts of Canada and the United States and also as to the cost of living in the different places cited in their evidence before the Board. Evidence was also given as to the rate of wages paid in other trades and employments. Particular attention was drawn to the conditions existing in the city of Ottawa, which is situated just across the river from the city of Hull, and to the hours of labour and the conditions under which the conductors and motormen of the Ottawa Electric Railway are working as compared with those of the Hull Electric Company.

After a thorough investigation and mutual consideration of the matters before us, this Board is of the opinion that the conductors and motormen employed by the Hull Electric Railway Company are entitled to an increase in wages and would therefore recommend that the following scale of wages, to take effect on and from November 1, 1912, be paid by the company and accepted by the men, viz.:—

(1.) That all conductors and motormen who have been in the employ of the company for less than one year be paid the sum of twenty (20) cents per hour during the first year of their employment.

(2.) That all conductors and motormen employed by the company be paid the sum of twenty-one (21) cents per hour during the second year of their employment.

(3.) That all conductors and motormen employed by the company be paid twenty-two (22) cents per hour during the third year of their employment.

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(4.) That all conductors and motormen employed by the company for over three (3) years be paid the sum of twenty-three (23) cents per hour.

The above provisions will apply to all present and future conductors or motormen employed by the company and in computing the years of employment necessary to entitle these employees to the above scale of wages, their present time of continuous service with the company shall be included.

It is further recommended that the company do supply to such of the motormen and conductors as shall require the same an overcoat every two (2) years, and that the company shall pay one-half of the cost of the overcoat and the employee requiring the same shall pay the other one-half of the cost thereof. This provision for an overcoat shall not interfere with or derogate from the company's present arrangement with the men as to supplying them with uniforms.

It is also recommended that the company do furnish to each conductor twenty-five dollars worth of tickets and cash to make the necessary change each day, and that such conductors who are furnished with tickets and cash as aforesaid by the company do give to the company a satisfactory bond with such surety as the company may consider adequate for the proper accounting for the above money and tickets.

The members of this Board recommend that this award if adopted by the parties shall remain in force for two and one-half years from November 1, 1912.

The above proposed scale of wages is recommended to both parties as a fair and equitable one and, considering the different conditions of employment and the difference in cost of living, is practically equal in remuneration to that paid by the Ottawa Electric Railway Company to its conductors and motormen, and the Board is of the opinion that if it be adopted by both parties and carried out in good feeling and good faith it will prove to be a satisfactory settlement of this dispute.

With regard to section 2 as to seniority, and section 3 of the employees' claim as to overtime, this Board recommends that the present arrangement between the men and the company be continued.

The members of the Board are of the opinion that in view of the proposed increase of wages and considering the financial condition of the company as shown by its annual statement and the evidence given before the Board, the company would be justified in increasing its charge for fares.

It is further recommended by this Board that, in all future disputes or differences, arising after the expiration of the time fixed for the duration of this award, each party shall choose an arbitrator and they two shall choose a third one and, if they cannot agree on such third arbitrator, that the Minister of Labour be asked to appoint the third one, and that the decision of these three arbitrators or a majority of them shall be accepted by both parties as a settlement of the matters then in dispute.

The Board desires to congratulate the employees and their representatives and the company and its representatives on the good feeling which prevailed between them during all the sittings of the Board and also upon the facts proven to the Board that the utmost good feeling had always existed between the company and its employees, and that except in the matter of wages no dispute or difference of opinion had arisen between them, and the Board also desires to thank one and all of them for the unfailing courtesy and assistance manifested and given to the Board during this investigation.

All of which is respectfully submitted this 1st day of November A.D., 1912.

(Sgd.) PETER McDONALD,
Chairman.

(Sgd.) GEO. D. KELLY,
Representing the employer.

(Sgd.) GEO. C. WRIGHT,
Representing the employees.

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XIII.—APPLICATION FROM CONDUCTORS AND MOTORMEN IN STREET RAILWAY SERVICE, EMPLOYED BY THE CITIES OF PORT ARTHUR AND FORT WILLIAM, ONT.—BOARD ESTABLISHED.—STRIKE AVERTED.

Application received—September 25, 1912.

Parties concerned—Cities of Port Arthur and Fort William, Ont., and conductors and motormen in street railway service.

Applicants—Employees.

Nature of industry concerned—Street railways.

Nature of dispute—Alleged breach of agreement by company and unsatisfactory investigation of charges against employees.

Number of employees affected—Directly, 72; indirectly, most of the industrial workers in the two cities.

Date of constitution of Board—October 7, 1912.

Membership of Board—Mr. George H. Rapsey, Port Arthur, Ont., chairman, appointed on the joint recommendation of the other members of the Board; Mr. W. P. Cooke, Port Arthur, Ont., appointed on the recommendation of the employing cities; and Mr. Frederick Urry, also of Port Arthur, Ont., appointed on the recommendation of the employees concerned.

Report received—December 16, 1912.

Result of inquiry—The report was signed by all three members of the Board, Mr. Urry dissenting, however, in one particular. A resolution was adopted by the Joint Board of Management of the two cities accepting the findings of the Board. The employees, however, refused to accept same.

The Minister received, on December 16, the report of the Board of Conciliation and Investigation to which had been referred for adjustment certain differences between the cities of Port Arthur and Fort William and their employees in street railway service, being conductors and motormen. The number affected was given as 72 directly, and it was stated in the application that most of the industrial workers in the two cities would be affected indirectly. The dispute grew out of the alleged failure of the Board of Management to live up to the terms of the agreement and the unsatisfactory investigation of charges—particularly in the case of one conductor who had subsequently been dismissed.

The report of the Board was signed by all three members, Mr. Urry, however, dissenting in one particular. This related to the dismissal of Conductor Enright. The chairman and Mr. Cooke reported that in their opinion the action of the Joint Board of Management had been properly taken to support the authority of the manager, to preserve discipline, and in the best interests of the public. Mr. Urry, on the other hand, thought that in view of the conflicting evidence it would be wise to concede the claims of the men by reinstating this conductor. It was recommended that, when practicable, in future cases where the grievance committee of the union had to meet the management of the railway both the demands of the men and the decision of the company should be presented in writing; that Conductor McGregor should receive back pay for the time of his suspension; that 60 hours' work in six days should be adhered to as closely as possible; that all cars should be equipped with permanent seats for the use of the motormen; and that the management should adhere more closely to the terms of the agreement.

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On December 23 the department was informed that the Joint Board of Management had held a meeting on the 19th instant, at which the following resolution was adopted:—

‘That the report of the Board of Conciliation and Investigation be received and filed and that the secretary be and is hereby instructed to advise the Honourable the Minister of Labour and the secretary of the employees’ union that this Joint Board accept the findings of the Conciliation Board dated December 16, which is signed by the three members of the Board of Conciliation, viz., Messrs. Rapsey, Cooke and Urry, and that the manager be and is hereby instructed to carry out all the suggestions and recommendations contained therein, and that a copy of this resolution with the thanks of this Board be forwarded the chairman and members of the Conciliation Board.’

The employees concerned, however, refused to accept the award.

REPORT OF BOARD.

The text of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and of the dispute between the Port Arthur and Fort William Street Railway Company, employer, and its conductors and motormen, employees.

We, the duly constituted members of the Board of Conciliation and Investigation, appointed in respect to the above dispute, beg to report our findings in regard to the various matters and clauses of the agreement, as follows:—

(1.) *Enright case.* The Board has gone exhaustively into every phase of this matter, and from the minutes and affidavits, which are given in our record of minutes and proceedings accompanying this report, we regret to find such conflicting sworn evidence, rendering the truth of the matter very difficult to reach. We therefore cannot decide for or against the statements, as contained in Mr. Enright’s and Mr. Roberts’ affidavits and sworn evidence, but taking into consideration all the evidence furnished the Board, and in view of the feelings and conditions now existing between the manager and the employees of the railway, we feel that the action taken by the Joint Board of Management was properly taken to support the authority of the manager, to preserve discipline, and for the best interests of the public, and with the conviction that the manager was right in the statements he had made against Conductor Enright.

(2.) *Clause 3 of the agreement.* In respect to this clause this Board would advise that in all future cases where the grievance committee of the union have to meet the management of the railway, it would be better if the case under discussion be presented in writing and, after conferring with the management thereon, that the decision arrived at should be presented to the men in writing, so that they would have a definite understanding in the matter, and proper records would be kept. This would not debar the men from having the privilege of conferring with the management, nor the management with the men, according to clause 3 of the agreement, in case they feel that the subject matter to be discussed could not well be presented in writing. It is the opinion of this Board that a written statement of the case, and answer to the same would be the means of removing a great many misunderstandings which we now find to exist, and would tend toward a better spirit between the management and its employees.

(3.) *Clause 4 of the agreement.* After hearing a full discussion on all matters and conditions existing on the railway by both parties to the dispute, this Board

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XIV.—APPLICATION FROM FREIGHT HANDLERS, FREIGHT CLERKS, &c., MEMBERS OF THE CANADIAN BROTHERHOOD OF RAILROAD EMPLOYEES, EMPLOYED BY THE CANADIAN PACIFIC RAILWAY COMPANY ON THE OTTAWA DIVISION, &c.—STRIKE PRIOR TO APPLICATION.—BOARD'S REPORT NOT EFFECTIVE IN ENDING STRIKE.

Application received—November 21, 1912.

Parties concerned—The Canadian Pacific Railway Company and freight handlers, freight clerks, &c., members of the Canadian Brotherhood of Railroad Employees, employed on the Ottawa Division, Port Arthur and Fort William, Ont.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Alleged unfair dismissals and refusal of company to negotiate with employees respecting schedule of rules and rates of pay.

Number of employees affected—Directly, 1,300; indirectly, 15,000.

Date of constitution of Board—November 28, 1912.

Membership of Board—His Honour Judge D. McGibbon, Brampton, Ont., chairman, appointed by the Minister in the absence of any joint recommendation from the other members of the Board; Mr. J. E. Duval, Montreal, Que., appointed on the recommendation of the employing company; and Mr. J. A. McDonald, Halifax, N.S., appointed on the recommendation of the employees concerned.

Report received—December 11, 1912.

Result of inquiry—Report of Board was accompanied by a minority report signed by Mr. Duval. Prior to the date of the application the men had gone out on strike and remained out from November 4 to February 3, when the department was informed that an agreement had been reached by the parties concerned and the employees had accordingly resumed work.

In the application the locality affected was given as 'Ottawa Division, Canadian Pacific Railway, Fort William, Port Arthur, and points east of Port Arthur, where special evidence is required on any special phase of the dispute.' The dispute grew out of the alleged refusal of the officials of the Canadian Pacific Railway Company to deal with the employees' representatives or consider an application for certain rules and rates of pay submitted through the Canadian Brotherhood of Railroad Employees and later by a committee of employees direct. It was further alleged that certain employees had been dismissed by the company for refusing to withdraw the proposed schedule of rules and rates of pay and for refusing to resign from the brotherhood.

The report of the Board was signed by the chairman and Mr. McDonald, the employees' nominee; the minority report by Mr. Duval, appointed on behalf of the company. In the majority report certain recommendations were made for the settlement of the dispute, including the reinstatement of the strikers. A schedule of rules was also recommended to take effect as on the first day of May, 1912, and to remain in force for one year and from year to year thereafter unless and until revised by three months' notice given by either party. In his minority report Mr. Duval expressed the opinion that the Government should not have granted the Board under the circumstances. As no evidence was given by the Canadian Pacific Railway Com-

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pany, he considered that no recommendations should be made on the points at issue. However, in view of the fact that the men had, in his judgment, gone on strike at the instigation of a group of agitators, he would recommend that no discrimination be shown as regards the re-employment of the men, provided their services were required on the date of the report.

In a letter received in the department from the officials of the Canadian Brotherhood, the following statement was made:—

‘On behalf of the employees we accept the findings of the Board, but as you are aware the employees are on strike, and consequently the dispute cannot be adjusted unless the company also accepts the findings and reinstates the men forthwith.’

The department was later informed on behalf of the company that the latter declined to have anything to do with the report of the Board, but that the company's officers would be advised that where vacancies occurred an opportunity for re-employment would be given to such employees as made application within a specified time.

REPORT OF BOARD.

The text of the majority report of the Board in this matter is as follows:—

In the matter of a dispute between the Canadian Pacific Railway Company, employer, and certain of its employees, being freight handlers, freight clerks, &c., employees.

To the Honourable T. W. CROTHERS,
Minister of Labour,
Ottawa:

The undersigned members, a majority of the members of the Board appointed under the Act in this matter, have the honour to report as follows:—

The Board met at Ottawa on the 29th day of November, 1912, to the 7th day of December, 1912, inclusive.

Upon examining the application to the Minister of Labour for the appointment of a Board of Conciliation and Investigation, we find that the Minister of Labour was wise in limiting the scope of the investigation to the district extending from Fort William and points east of Port Arthur, except where special evidence is required on special phases of the dispute. Had the investigation included the whole system of the Canadian Pacific Railway, it would have caused such protracted inquiry that the men would have long been delayed, greatly to their detriment, in obtaining a hearing of their grievances before the investigation would have been completed.

The Board recommends the following:—

(1.) The strikers should be reinstated in their old position forthwith at same salaries they were receiving at time of strike.

(2.) The strikers should receive back pay for the time they have been on strike.

(3.) The men who were discharged for their connection with the Brotherhood of Railway Employees should be treated as strikers, receiving the same treatment.

(4.) Increases of salaries recommended, but left to parties interested to arrange at a future date.

(5.) This report to cover all districts affected within the scope of the application.

The following rules will govern the members of the Canadian Brotherhood of Railway Employees of the Canadian Pacific Railway:—

(1.) Seniority will count from the date an employee last entered the service.

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(2.) All vacancies and permanent appointments shall be bulletined by each superintendent to the employees on his district in that class of service, the bulletin to clearly define the duties required and rate of pay. Application for vacancies must be made within five days from date bulletin is received by head of department, who will be responsible for seeing that its contents are promptly brought to the attention of the employees affected.

(3.) Any employee declining to accept promotion in any instance does not forfeit his right to the same or any other position he may be entitled to under seniority rights when a vacancy occurs.

(4.) A vacancy will be filled within thirty days after it occurs by the appointment of the man entitled to it.

(5.) Employees governed by this schedule will be entitled to similar vacancies or openings on extensions or new lines of the general division in order of seniority.

(6.) In case of a reduction in the number of employees in any class of service, the junior employee in the class of service affected will be first dispensed with. If any employee who is thus affected is senior to an employee holding a similar position on the general division at some other point he may displace such employee. Men employed as checkers, stevedores, coopers and sealers during the season of navigation shall be given preference for position on the winter staff.

(7.) A complete list of the employees governed by this schedule on each general superintendent's district, showing their seniority standing, will be kept on file in the office of the local head of each department, who shall have it displayed so that it can be inspected by all employees of the department concerned. This list will be subject to correction on proper representation from any employee, and a copy corrected to date will be furnished the grand secretary-treasurer of the brotherhood at the beginning of each year.

(8.) The senior clerks on each general superintendent's division to be considered in filling similar positions in general offices at Montreal and Winnipeg. Seniority, merit, fitness and ability to count.

(9.) Each employee on monthly salary shall be entitled to two weeks' holidays with pay, annually, and no employee will be required to work overtime to keep up work of an employee on holidays. If the company finds it inconvenient to grant leave of absence during any year to an employee entitled to it under the rules, the employee shall at his option receive either compensation at his regular salary for the period or, in the next year, additional leave of absence for a like period. Application for leave of absence filed in January of each year will be given preference in order of seniority of applicant, and applicants will be advised in February of date allotted to them. January applicants will have preference over later applicants, and applicants after the thirtieth of September will not be entitled to salary compensation if railway will, as far as practicable, relieve all applicants during the summer season when so desired.

(10.) No employee shall be suspended (except for investigation), discharged, or disciplined until his case has first been investigated and he has been proven guilty of offence charged against him, the decision in such case to be arrived at within ten days from date of such suspension. If an employee is found blameless in the matter under investigation he will be allowed full time from time lost and reasonable expenses while attending at investigation if away from home, and be reinstated. If detained more than ten days awaiting investigation at the company's instance, he will be paid schedule wage for the time in excess of ten days, whatever the decision may be. The employee may have the assistance of a fellow employee if so desired. A written statement setting forth the result of an investigation and the reasons thereof will be furnished by the company to the local grievance committee if requested by it.

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(11.) Employees serving on local grievance committee will be relieved without unnecessary delay and will be furnished free transportation for such purpose.

(12.) Employees will be granted free transportation and leave of absence to attend their meetings.

(13.) When an employee is transferred from one point to another on the company's behalf he shall suffer no loss in wages. When necessary to move his household effects he shall be provided with free transportation for same and allowed reasonable leave of absence, without pay, to arrange for shipment of same.

(14.) Employees attending Court of Investigation at request of proper officials of the company will have any expense incurred thereby paid by the company in addition to their schedule wage.

(15.) Employees shall, on application, have returned to them all service cards or letters of recommendation that may have been taken up for inspection. An employee on leaving the service will be provided with a certificate of service from the proper official and if discharged cause of dismissal shall be stated, such certificate of service to be furnished within five days after such employee has been notified of his dismissal or employee will be allowed regular rate of pay for each day therefor kept waiting such certificate.

(16.) Employees not directly connected with passenger train service will, when required to work any portion of Sunday, be allowed overtime at the rate of a day and a half at regular monthly rate of each Sunday worked. When it can be otherwise arranged no employee shall be required to work on two Sundays in succession. All employees required to work on legal holidays, or any portion thereof, will be allowed a day and a half at the regular monthly rate.

(17.) Time for monthly rated men to be computed on number of working days in the month.

(18.) The hours of duty shall be prescribed by the local superintendent and a day's work for office staff shall be equivalent to starting at eight a.m. and ending at five-thirty p.m., with one and a half hours for lunch between twelve noon and two p.m., and where it can be arranged without interfering with the work Saturday afternoons will be allowed, subject to local schedule.

(19.) The maximum number of hours to constitute a day's work for all employees mentioned herein shall be ten hours, but in no case shall an employee have his present hours of duty increased.

(20.) Employees required to work beyond regular prescribed hours shall be entitled to overtime at the rate of time and a half.

(21.) Employees will not be discriminated against for being a member of the Canadian Brotherhood of Railroad Employees, or for serving on Boards of Adjustment representing such employees.

(22.) Employees shall be granted the following legal holidays, or if required to work will be paid time and a half therefor: New Year's Day, Good Friday, Empire Day, Dominion Day, Labour Day, Thanksgiving Day, Christmas Day and Sundays.

(23.) An employee off duty on account of sickness for a reasonable length of time, and not exceeding six months, will not lose his seniority rights to the position held by him before reporting sick.

(24.) For the purpose of this schedule the word 'employee' shall be understood to mean any person permanently employed on the above railway, for the performance of duties pertaining to the various classes of service enumerated herein and provided for in this schedule. A person who works six months or more during one year will be considered as a permanent employee.

(25.) Any employee called upon by the proper authority to do relief work, temporarily, will receive the same rate of salary or wages as the person relieved, provided

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it is not less than his own, and provided that he occupies the position for five consecutive days or over, and for fifteen days in the case of relieving the employee on holiday leave, provided the position does not carry with it a specific official title and provided also that the employee doing relief work temporarily is not employed as a reliever, at a stated rate of salary. An employee relieving away from home will be entitled to one dollar per day expenses.

(26.) Employees having a grievance shall endeavour to adjust same through the agent or proper person immediately in charge, failing which, the right to appeal to the superior officer next in rank and ultimately to the general manager or official assigned by him to hear such appeal.

(27.) The proper officials of the railway will hear any reasonable complaint made by the authorized committee representing the men.

(28.) The right of promotion of employees will extend over each general superintendent's division and will be governed by seniority, merit, fitness and ability; where these are sufficient the senior man will be given the preference, provided the employees of not less than two years' service will, on application, be transferred from one superintendent's district to another on the same general division within thirty days from date of such application. All vacancies shall be bulletined over each general superintendent's district for a period of five days.

(29.) The rules and rates of pay will govern the following employees, when not provided for by other arrangements:

Freight clerks, cashiers, and accountants.

Freight clerks in city offices.

Freight collectors and stenographers.

Freight shed foremen and assistants.

Freight checkers.

Assistant freight checkers.

Shed sorters and porters.

Freight shed and yard watchmen.

Superintendent's chief clerks.

Superintendent's office clerks and stenographers.

Superintendent's accountants and clerks.

Roadmaster's clerks.

Building and bridge master's clerks.

Station ticket agents and clerks.

Ticket clerks.

Baggage masters.

Assistant baggage masters.

Baggage and station porters.

Policeman.

Yardmaster's clerks.

Weighmasters.

Car checkers.

Stock yard clerks.

Wharfingers.

Gateman.

Store clerks.

Locomotive foreman's clerks.

Car foreman's clerks.

(30.) This schedule shall take effect as on the first day of May, 1912, and remain in effect for one year, and from year to year thereafter unless and until revised by three months' notice being given by either party after one year.

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During the investigation the Board was greatly assisted in the discharge of its duties by the Minister of Labour and his deputy, who were unfailing in their efforts to assist in expediting the proceedings of the investigation. We might mention the fact that we found the Department of Labour ably managed by the Minister and his deputy. After examining into the particulars of this dispute we found the delay in granting the request of the men for a Board was justified by the fact that the Minister exhausted every effort in first trying to secure an amicable arrangement between the contending parties before appointing the Board of Conciliation.

Dated at Ottawa, December 9, 1912.

(Sgd.)

D. McGIBBON,

Chairman of Board.

(Sgd.)

J. A. McDONALD,

For employees.

MINORITY REPORT.

The text of the minority report of Mr. J. E. Duval in this matter is as follows:—

MONTREAL, December 11, 1912.

Re dispute between the Canadian Pacific Railway Company and certain of its employees.

Hon. T. W. CROTHERS,

Minister of Labour,

Ottawa, Ont.

SIR.—At the sitting of the Board appointed to inquire into the above dispute, it developed that the application was made on behalf of several classes of employees engaged by the Canadian Pacific Railway in dissimilar capacities, and who work under different conditions, and are compensated therefor by different methods, that is, hourly, daily, or monthly, and whose employment in many cases is but temporary and depends upon the quantity of traffic moving. The matter appears to be one of national importance, and any recommendation which might be made by this Board would necessarily be applicable to future like disputes with other railways, and in view of the various classes of employees involved would lead to the conclusion that the Government would be expected to intervene in all matters of dissatisfaction between employer and employees and conclusively to the Government regulations of prices, returns for investments and conditions relating thereto; involving the right of free contract and giving to the masses the right to disregard the law of supply and demand, upon which is based the employment of labour; place in the hands of an individual, or group of individuals, the power to paralyze the development of the country and entail hardship on the public at large. The Lemieux Act undoubtedly did not contemplate any such power on behalf of the Government, and any Board appointed to inquire into such conditions can only bring in a report of general information. Therefore, I am of the opinion that the Government should not have recognized the application or appointed a Board, under the circumstances. The railway company, being a public utility and virtually under Government control as to rates charged for transportation and services performed, any recommendation that can be made would, in my opinion, undoubtedly seriously interfere in the performance of its duties, and without recourse for failure to perform these duties.

The investigation also developed the fact that a number of employees had left the service of the company prior to the formation of the Board.

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The evidence presented on behalf of the employees convinced me that it was not possible to make regulations governing the employment of so many classes of employees, and that the action taken by them was based upon misrepresentations on the part of paid agitators.

There was no evidence presented on behalf of the Canadian Pacific Railway Company, the chairman considering that it was unnecessary for them to produce any. Therefore, I am of the opinion that no recommendation should be made on the points at issue, but in view of the fact that a certain number of individuals attempted to force the issue by striking, or leaving their employment, under which in my opinion was a visionary scheme apparently fostered by a group of agitators not employees of the company, I would recommend that no discrimination be shown as regards the re-employment of such individuals, provided that their services are required on the date of this report.

All of which is respectfully submitted.

(Sgd.) J. E. DUVAL.

XV.—APPLICATION FROM EMPLOYEES OF THE OWNERS OR CONTROLLERS OF VARIOUS METALLIFEROUS MINES IN EASTERN BRITISH COLUMBIA, THE EMPLOYEES BEING MEMBERS OF LOCAL BRANCHES OF THE WESTERN FEDERATION OF MINERS AT THE FOLLOWING PLACES, NAMELY: NELSON, B.C., SILVERTON, B.C. SANDON, B.C., KIMBERLEY, B.C., AND YMIR, B.C.—JOINT BOARD ESTABLISHED BY CONSENT OF PARTIES CONCERNED.—NO CESSATION OF WORK.

Application received—Employees of Fort Steele Mining and Smelting Company, November 30, 1912.

Employees of Standard Silver Lead Mining Company, Limited, Van Roi Mines, Limited, and Silverton Mines, Limited, December 3 1912.

Employees of Queens Mines, Inc., December 3, 1912.

Employees of Lucky Jim Zinc Mines, Limited, Rambler Cariboo Mines, Surprise Mine, Hope Mine, Noble Five Mines, Richmond Eureka Mines, and Idaho-Alamo Mines, December 9, 1912.

Employees of Blue Bell Mine, No 1 Mine, Highland Mine, Hope Mine, Silver Horde Mine, Molly Gibson Mine, Eureka Mine, and Poorman Mine, December 10, 1912.

Parties concerned—Fort Steele Mining and Smelting Company and employees, members of Kimberley Miners' Union No. 100, Western Federation of Miners.

Standard Silver Lead Mining Company, Limited, Van Roi Mines, Limited, Silverton Mines, Limited, and employees, members of Silverton Miners' Union No. 95, Western Federation of Miners.

Queens Mines, Inc., and employees, members of Ymir Miners' Union No. 85, Western Federation of Miners.

Lucky Jim Zinc Mines, Limited, Rambler Cariboo Mines, Surprise Mine, Hope Mine, Noble Five Mines, Richmond Eureka Mines, Idaho-Alamo Mines, and employees, members of Sandon Miners' Union No. 81, Western Federation of Miners.

Blue Bell Mine, No. 1 Mine, Highland Mine, Hope Mine, Silver Horde Mine, Molly Gibson Mine, Eureka Mine, Poorman Mine, and employees, member of Nelson Miners' Union No. 96, Western Federation of Miners.

Applicants—Employees.

Nature of industry concerned—Metal Mining.

Nature of dispute—Wages.

Number of employees affected—Employees of Fort Steele Mining and Smelting Company, 140.

Employees of Standard Silver Lead Mining Company, Limited, Van Roi Mines, Limited, and Silverton Mines, Limited, directly, 325; indirectly, 50.

Employees of Queens Mines, Inc., directly, 45; indirectly, 200.

Employees of Lucky Jim Zinc Mines, Limited, Rambler Cariboo Mines, Surprise Mine, Hope Mine, Noble Five Mines, Richmond Eureka Mines and Idaho-Alamo Mines, directly, 210; indirectly, 90.

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Employees of Blue Bell Mine, No. 1 Mine, Highland Mine, Hope Mine, Silver Horde Mine, Molly Gibson Mine, Eureka Mine, and Poorman Mine, 300.

Date of constitution of Board—December 21, 1912.

Membership of Board—Mr. W. S. Bullock-Webster, Victoria, B.C., chairman, appointed on the joint recommendation of the other members of the Board; Mr. Chas. R. Hamilton, Nelson, B.C., appointed on the recommendation of the employing companies; and Mr. J. W. Bennett, Fernie, B.C., appointed on the recommendation of the employees concerned.

Reports received—January 27, 1913; February 4, 1913.

Result of inquiry—Report of Board was accompanied by a minority report signed by Mr. Bennett. The majority report of the Board found against the demands of the employees. No cessation of work occurred.

During the latter part of January and the early part of February the Minister of Labour received the majority and minority reports of the Board of Conciliation and Investigation to which had been referred for adjustment certain matters in dispute between the various owners of metalliferous mines in eastern British Columbia and their employees, being members of unions located severally at Kimberley, Silverton, Ymir, Sandon and Nelson, B.C., local branches of the Western Federation of Miners.

Five applications for the establishment of Boards of Conciliation and Investigation had been made to the department, but, as a result of communications between the department and the parties concerned, and through the efforts of an officer of the department who had been instructed by the Minister to proceed to the locality for the purpose of lending any assistance in his power, it was agreed by all parties concerned to refer their differences to a joint Board. The dispute in each case grew out of the employees' demand for increased wages, the total number affected being 1,200 directly and 340 indirectly.

The report of the Board was signed by the chairman and Mr. Chas. R. Hamilton, K.C., the companies' nominee. In this report it was stated that the men based their claims for higher wages on (1) the increased cost of living with but little increase in wages; and (2) the increased price of metals during the past year. As a result of its investigation the Board reported that in spite of the fact that the general tendency in the cost of food and clothing had been upward, the men concerned earned sufficient to procure the best of these commodities, but that they had not such a large surplus as formerly. From the evidence secured the Board found that the present scale of wages is sufficient to maintain a married man and his family in comfort, with some margin for incidentals such as insurance, sickness, etc. The mine owners stated that they were not in a position financially to continue operations if they granted the increase asked for, and claimed that they were paying the wages prevailing in British Columbia and the western States. The Board found that most of the properties involved had paid neither principal nor interest to their shareholders, and that the increase, if allowed, would have to be paid by the shareholders. In conclusion, the Board expressed the opinion that present conditions in the district and mines concerned did not justify any increase in wages or any disturbance of the relations existing between employers and employees in the mines pertinent to the inquiry.

Mr. J. W. Bennett, in his minority report, stated that in his opinion the higher or lower price of metals should not enter into the question at all, the workers being concerned only with the increased cost of living, the existence of which was conceded by all. In this connection he quoted the result of a recent investigation by Prof. McKenzie, showing that the cost of living had increased eighteen per cent during the past few years, and since the men's demands equalled an increase of only fourteen per cent, he considered the scale of wages asked for a very moderate one. It was also recommended by Mr. Bennett that any increase granted by the operators to the employees should be made applicable to the surfacemen as well as to those working underground.

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The employees refused to accept the award of the majority of the Board. No cessation of work, however, occurred.

REPORT OF BOARD.

To the Honourable the Minister of Labour,
Ottawa, Ont.

Your Board of Conciliation and Investigation in regard to the demand of some of the miners' unions in Kootenay for a flat raise of fifty cents per man in the following mines, namely:—

The Rambler-Caribou,
Hope (Ruth Mines, Ltd.) Sandon,
Bluebell,
Standard,
Van Roi,
Queen-Salmo.

Silverton Mines, Ltd.,
Lucky Jim,
Surprise or Noble Five,
Granite Poorman,
and Sullivan at Kimberley,

convened at Nelson on Monday, January 6, 1913, pursuant to notice given to all parties. In addition to the three members of the Board, there were present during the proceedings, representatives from the federation of local unions on behalf of the men, and of all the mine owners concerned except the Noble Five and Lucky Jim Mines.

The Board sat and heard evidence in Nelson on January 6, 7, 10, and 11. Travelled to New Denver on the 13th, heard evidence there on the 14th; returned to Nelson, both sides in Nelson, on the 16th, and spent the 17th and 18th in discussion and deliberation for the purpose of making this report.

The miners stated that their claim for an increase of fifty cents per diem was based on (1) the increased cost of living with but little increase in wages; (2) the increased price of metals during the past year.

To this the mine owners replied that they were not in a financial condition which would allow them to continue with the increase asked, and that they were paying the wage prevailing in British Columbia and the western States. Evidence was given by both sides of the increase and, in some instances, decrease of price of food and clothing, and while there was some difference as to the amount of the increase, the evidence established to the satisfaction of the Board that the general tendency in the cost of food and clothing had been upwards.

The following facts, however, were brought out in the evidence and not contradicted and have been taken into consideration in making this report:—

(1.) The men demand and obtain in both food and clothing the best of their kind, and the tendency in this regard is more marked now than a few years back.

(2.) The boarding houses at which the single men and some of the married men, together forming a large majority, at least 80 per cent of the workers, live, are maintained by the mine owners, and a flat charge of \$1 per day per man is charged to the men, and this has always been the charge throughout past years.

(3.) No evidence was furnished as to the relation of the average married man's living expenses to his wages, except by—

(a.) Mr. Roberts, secretary of Moyie Miners' Union, whose monthly cheque averaged \$88, who was not in debt, owned his own house and other real estate and some mining stock bought out of his earnings, carried no insurance.

(b.) Mr. Villeneuve, secretary of Kimberley Union, and married, was called but did not give any evidence supporting the men's contention that the wage at present paid is insufficient for their proper maintenance.

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(c.) Mr. Armstrong, of Van Roi mine, who boarded at the company's boarding house, owned his own house in Slocan city, where his wife and four children lived for the sake of education, carried insurance and had a bank balance.

(d.) In the case of single men two witnesses were called by the union's representative. One Shaler, 26 years old, stated that he had been working six years, that he was qualified as a miner, timber framer's helper and timber framer, that he earned from three to four dollars a day, that he could not live as he considered he ought to live on this wage. That a miner, taking everything into consideration, would only work about seven months in the year or, as he expressed it, that he had found seven months as long as he could stand it day in and day out. That in his opinion a miner should have \$1,800 a year to make life worth living, or in other words, a wage of more than \$9 a day. His evidence also showed that the amount of his earnings, after paying for his board and lodging, amounted in July to \$50, in August to \$78.25, in September to \$74, in October to \$92 and November to \$90.

The other, David Murphy, also a single man, claimed that he could not live on the existing wage, but he also admitted that since he came to British Columbia in 1895 he had put into the ground in mineral claims which he owned between six and seven thousand dollars, including his own time, and that this came from his earnings as a miner.

(4.) At the Van Roi mine, \$3,000 to \$3,500 is put to savings in the bank by the men each month out of a total monthly pay-roll of \$10,000.

(5.) At the Hewit mine, where nine men are working, these nine have savings amounting to \$10,908.50 in the bank, of which \$6,984 was saved by married men and the balance by single men; saved during an average period of two years and two months.

(6.) At the Rambler-Caribou mine, at a time when the manager had to ask the men to postpone pay-day, to which they agreed, six or seven of the miners, including the foreman, brought the manager \$3,000 in cash and lent it to him at 8 per cent to continue the work.

The Board went specially to New Denver in order to sit nearer to some of the mines affected in order that all evidence desired might be given, and though a number of miners were present, some of them married, in spite of an invitation by the chairman, twice repeated, to any and all who desired to give evidence to come forward, none came to speak of the condition of married men except Mr. Armstrong, already mentioned, who gave evidence under subpoena at request of the mine owners. The other married men already mentioned gave their evidence in Nelson.

Though shyness or diffidence in coming forward might be present, the Board feel that if the claim for an increase had been deep rooted in the increased cost of living, witnesses would not have been lacking.

From the evidence adduced, of which the foregoing are examples, your Board find no difficulty and have no hesitation in arriving at the conclusion that the present scale of wages is sufficient to maintain a married man and his family in all the food and clothing they need for health and comfort with some margin for incidentals, such as insurance, sickness, etc.

The only contention in this direction of which the evidence will allow is that the margin of the income of a miner over his expense in food and clothing may be less than it has been during some period or periods a few years back. The question is, do the present conditions justify the increase of the present margin, not in order to preserve to the men the means of obtaining a reasonable sufficiency of the necessities of life, but to provide them with a surplus over these necessities at least equal to those which they have had at every time in the past.

In this regard we note the following of the properties involved in this inquiry:—

(1.) The Standard is paying at present \$50,000 a month but has not yet repaid the capital invested, using the profits for the development of other properties.

(2.) If the increase demanded was added throughout to the pay-rolls of the Consolidated Mining and Smelting Company it would increase them by \$272,000, while the profits of that company last year were \$304,000, i.e., the increase would reduce a surplus representing five per cent on the capital to one equal to half of one per cent.

(3.) Of all the other properties involved in this inquiry the evidence shows without exception that the shareholders have received back nothing in the shape of either principle or interest on their outlay, and that the increase, if allowed, for a long time to come must be supplied by the shareholders, and this in spite of the fact that the life of a mine must sooner or later come to an end, and therefore principal as well as interest have to be provided for out of the product.

Finally, the scales of wages in fifty properties taken from all over the western states of America and British Columbia have been collected and introduced as evidence in the inquiry and an average struck by your Board with the following results:—

Scale in force here.		Average above mentioned.	Of the scales collected.
Mines	3.50	3.53	3.50 is paid by 29 mines out of 43.
Handminers	3.50 in one mine 3.40 and 3.25 in one mine	3.35	3.50 is paid by 23 mines out of 37.
Muckers	3.00	3.12	3.00 is paid by 26 mines out of 49.
Timbermen	3.50 and 4.00	3.82	4.00 is paid by 24 mines out of 37.
Surfacemen	3.00	2.97	3.00 is paid by 25 mines out of 38.
Board	30.00	31.38	

The lead producers in the United States get one per cent more for their lead than those here do, based on a comparison of London and New York quotations for the years 1902-1911.

One other comparison.—As already shown, with two exceptions, none of the mines here concerned have repaid their shareholders anything.

In the Cœur d'Alene District, United States of America, about 150 miles distant, where most conditions are similar, and there is no evidence of any difference in the cost of living, the following properties have paid to their shareholders as follows:—

Bunker Hill	over \$13,000,000
Hecla	" 2,600,000
Federal Mining Company	" 9,000,000
Success	80,000

and the following is the comparative scale of wages of this district and the Cœur d'Alene:—

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	In this District.	In the Cœur D'Alene.
Miners.....	3.50	3.50
Handminers.....	3.50	3.50
Muckers.....	3.00	3.00 & 3.50
Timbermen.....	3.50 & 4.00	3.50 & 4.00
Surfacemen.....	3.00	3.00

It appeared in the evidence that the Consolidated Mining and Smelting Company made an offer of a certain increase before this inquiry was demanded, and it has been suggested that this is evidence that an increase can and ought to be paid. Your Board has eliminated the fact of this offer entirely from its consideration because they consider—

(1.) That an offer made under stress of a demand and for the sake of peace is not to be taken as an admission of the justice of anything.

(2.) That if taken as an admission here the Board will erect an obstacle to amicable settlement of future disputes, as all parties will be afraid to make offers which will be construed into admissions.

(3.) That such a course would provide a temptation in the future to procure such admissions by extortionate demands.

(4.) That the offer was only made for the sake of peace and was not made by all or even a majority of those affected.

In view of the foregoing, in the opinion of your Board the present conditions in this district and in the mines concerned do not justify any increase in the scale of wages prevailing at, or any disturbance of the relations now existing between employees and employers in, the mines pertinent to this inquiry.

W. H. BULLOCK-WEBSTER,
Chairman.

CHARLES R. HAMILTON,
Member of Board.

27th January, 1913.

MINORITY REPORT.

Hon. T. W. CROTHERS,
Minister of Labour,
Ottawa, Ont.

SIR,—After an exhaustive review of the evidence presented and to the many details of which painstaking deliberation to the main points involved were given by Mr. Hamilton and myself, it is with feelings of regret that I am constrained to submit for your consideration a minority report. I am free to confess, however, that despite the personal disappointment, there is an element of compensation derivable from the contemplation of the exceedingly pleasurable manner in which the entire proceedings connected with the Board have been conducted, both by the representatives of the two parties immediately concerned and my colleagues, C. R. Hamilton, K.C., (operators' representative) and W. H. Bullock-Webster (chairman).

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With the cause of the dispute you are so thoroughly cognizant that it would be superfluous for me to make any comment thereon except to cite and dilate upon the two points upon which it is based, namely, the increased cost of living, and the higher prices of metals that have obtained for some time past. As the higher prices of metals was the minor premise from the standpoint of the miners I will deal with it first.

To accept as a principle that, the profit derived from the sale of a given commodity I deem economically unsound, illogical and, in the main, impracticable, because if it be admitted that employees should share when a profit is made then it must follow as a corollary that, if loss ensue in an industry the employees should likewise be parties to the loss. That there are instances where the employees are allowed to share in the profits may be practicable under certain peculiar conditions as a utilitarian expediency, but these exceptions in no wise affect the basic principle that undertakings are not entered upon primarily for the benefit of the employees *per se*, but for the profits that may be derived therefrom; and any advantage that the worker may extract from the proceeds of his efforts is incidental only, not fundamental. That this was recognized (whether consciously or otherwise is of little import) was demonstrated quite clearly in the evidence submitted by the different representatives of the mine owners.

It was acknowledged that some could pay the scale demanded because they were on a dividend-paying basis, but would not do so because the investors had moneys in other enterprises that did not pay at present; others averred that they could not pay the scale because they were not making any profit, whilst in many of the camps in Idaho, Montana and other states of the U.S.A., from a statement presented, it was shown that the profits made were exceedingly large and yet the wages paid were but little different to those in vogue in the districts included in the present controversy; therefore, the question of wages in relation to the higher prices (or profits) of metals is not entertained as a factor in the administration of companies' affairs.

In reality wages are contingent upon the law of supply and demand, as was so tersely asserted by Mr. Finch in his evidence. In short, profit sharing may at times be indulged as a practice by individual institutions, but the amount of wage paid (or for that matter for every other commodity that is bought) must, in the main, conform to economic law, in the realm of production, depend upon its average cost of production; and in the realm of circulation, the price of a commodity is influenced by the law of supply and demand. The worker selling his only commodity (physical and mental energy) is subject to these inexorable economic laws, i.e., cost of production and the law of supply and demand, hence the higher or lower price of metals is, in plain English, none of his business.

The main point at issue, the cost of living, is of vital import to the mine worker, and because of the increased price of the commodities he must have access to, it is imperative that he should have an increase in his money wage if he is to prevent a reduction of his present standard of living.

That the price of living has materially advanced is conceded by both parties to the dispute, the difference be one of degree, not of fact. Government statistics for the past ten years were cited, as giving 31 per cent as the increase, while a recent investigation by Professor Mackenzie was quoted as giving 18 per cent (in Canada) increase from what obtained several years ago.

Fifty cents a day increase per man was the wage scale demanded, this, according to calculations made by Mr. S. G. Blaylock, meant an increase of 14 per cent in the pay-roll of his company, therefore, in my opinion taking even 18 per cent as a basis of calculation, the men were modest in their proposed amended scale, and this is more pronouncedly so when it was conclusively proven that despite the constant upward tendency during the past ten years there has been no appreciable difference in the wages paid to quartz miners since 1900.

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That some of the companies tacitly acknowledge there was merit in the demands of the miners is evidenced by their action in offering a slight increase when they learned what the men proposed to do, assigning as the reason therefor, desire to keep the best men; this cannot be admitted as wholly sound because it was made to all men in certain grades but was not offered to the outside men at all, and it is natural to assume that there are varying degrees of efficiency in the grades that were offered the advance as well as in the surface men who were not included in the proposed advance.

Accepting as correct that 18 per cent is the increase in the cost of living and as already mentioned 50 cents a day means but 14 per cent of an increase, then the demand made by the men is to me a most justifiable one, and therefore upon this point I do not concur with the other members of the Board in their contention that there was not sufficient evidence forthcoming to show cause why it should be paid.

The documentary and oral evidence submitted by the representatives of the mine owners was greatly in excess of that submitted by the representatives of the miners, especially in the oral portion, for which there is a good and sufficient reason although not readily appreciated or understood by those who have never had the experience, viz., many of the miners when requested to testify asked that they be excused lest they lose their jobs. To those on the outer ridge of the industrial arena of the labour world it is not so regarded, on the contrary it is common knowledge of the workers in practically every industry.

To sum up, I do not consider that the men are entitled to an increase simply because of the higher price of metals, but do hold that, if the purchasing power of their wages has been reduced consequent upon the enhanced price of the commodities they must have to keep their own commodity (i.e., their energies) up to the standard they have heretofore enjoyed, then indeed the higher (nominal) scale asked for is, in my estimation, a moderate one.

This I do most strongly recommend that it be suggested to the operators, that should they decide to give an advance to their employees to be applicable not only to those working underground but likewise to the surfacemen (outside labourers), because the increased cost of living is felt by that section more (proportionately) than it is to the higher paid grades.

I am, sir, yours truly,

J. W. BENNETT,

Miners' Representative.

STATEMENT ACCOMPANYING MINORITY REPORT.

NELSON, B.C., January 18, 1913.

To the Honourable T. W. CROTHERS,
Minister of Labour,
Ottawa, Ont.

Re Industrial Disputes Investigation Act, 1907, and *re* differences between various owners of metalliferous mines in eastern British Columbia and their employees respectively concerned, being members of unions of miners located severally at Kimberley, Silverton, Ymir, Sandon and Nelson; local branches of the Western Federation of Miners.

SIR,—Upon receipt of telegram from F. A. Acland, Deputy Minister of Labour, on December 17 notifying me that I had been appointed by you to represent the miners and that Mr. Charles R. Hamilton, K.C., of Nelson, was the appointee to represent the interests of the operators, I immediately entered into communication

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with that gentleman regarding the time of meeting for the purpose of discussing the question of selecting a chairman. On Thursday, December 19, 1912, went to Nelson, and on the following morning (Friday) met Mr. Hamilton, when we mutually agreed to recommend for the chairmanship of the Board of Conciliation, Mr. W. H. Bullock-Webster, Barrister, Victoria, B.C., and you were notified accordingly. On December 21 I was informed by wire sent by Mr. Acland, Deputy Minister of Labour, that you had appointed the gentleman designated and due notification thereof had been telegraphed to him at Victoria. As a result of the correspondence that passed between us it was decided to fix the date of our first session at Nelson, B.C., on the sixth day of January, 1913.

The proceedings were begun in the court house of the city of Nelson on Monday morning, January 6, 1913. After the preliminaries had been disposed of, Mr. M. Johnson, Barrister, made application to appear as counsel on behalf of some of the mining companies interested, but upon protest being made by Mr. William Davidson, acting on behalf of the miners, the Board declined to accede to Mr. Johnson's request conformably to chap. 20, sec. 41, of the Industrial Disputes Investigation Act, 1907.

Mr. S. G. Blaylock, of the Consolidated Mining and Smelting Company, asked whether a stenographer would be employed by the Board, this additional expense the chairman ruled should not be incurred. Mr. William Davidson presented the scale of wages demanded by the men and the same was duly filed with the Board, stating that the grounds for seeking to obtain the increase were the increased cost of living and the higher price of metals that has obtained during the past year.

Mr. S. G. Blaylock, representing the Consolidated Mining and Smelting Company, stated the men in their employ in the various mines involved in the dispute had been offered, without prejudice, the Rossland scale, but as this had been refused the offer had been withdrawn. Owing to the fact that many of the other representatives of the mining companies were delayed in arriving because of the difficulties of transportation, the sitting was closed for the day and resumed in the city hall, Nelson, on Tuesday, January 7, 1913. The following gentlemen were noted in attendance:—

W. E. Zwickey, Rambler Cariboo.

J. A. Anderson, Hope (Ruth Mines, Ltd.)

S. S. Fowler, Bluebell.

S. G. Blaylock, Consolidated Mining and Smelting Company.

Ernest Levy, Van Roi Mining Company.

Geo. Stillwell, Hewitt (Silverton Mines, Ltd.)

E. V. Buckley, Queen.

James Cronin, Standard.

William Davidson, President District No. 6, W. F. of M.

Frank Phillips, Secretary Miners' Union, Nelson.

J. D. McNiven, Fair Wage Officer.

As the above mentioned constituted the bulk of the representative interests involved, the Board suggested to them as per clause 24, chap. 20, of the Act, that they might confer together for the purpose of endeavouring to reach an amicable understanding without necessitating that the functions of the Board should take on the second part of its duties, viz., investigation. After lunch, as no conciliation had been arrived at, the Board again convened at two o'clock, when Mr. Wm. Brown was called upon by Mr. Davidson to testify relative to the cost of clothing, stated that he had been in business in Nelson for the past 12 or 13 years. Interrogated as to the increased cost during the past 10 years said that in some lines it was fully 20 per cent, shirts 10 to 15 per cent, suits (especially serge) fully 20 per cent, overalls, cotton shirts, in fact all apparel worn by the miners had appreciably advanced. Boots and shoes had been going up steadily, leather goods generally fully 20 per cent. In reply to questions put by Mr. Blaylock, witness stated that underclothing, collars, shirts, etc., had gone

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up about 10 per cent. Asked as to the increase in women and children's wear, replied that in the lines he carried it was on the average increased in like proportion with men's wear.

I. J. Lucia, butcher, Nelson, upon being examined by Mr. Frank Phillips, gave a full and detailed statement regarding the prices of meat products that were ruling to-day and what they were four years ago, showing that the rise generally had been very marked.

II. Amas, retail grocer, said that he did not have actual figures with him, but would give his evidence based upon over twenty years' practical experience. Some lines had advanced while others had receded somewhat from what they were last year, still the tendency, speaking on the average, had gone up in the last ten years 10 to 15 per cent.

Thos. D. Stark (A. Macdonald, Wholesale Grocery Company) considered that in the past five years the approximate average advance in the prices of the commodities they handled would be 5 to 8 per cent (wholesale).

S. G. Baylock was then called to the stand and after stating that the Consolidated were operating the mines known as the Mollie Gibson, No. 1, and the Highlander, located in the Nelson districts, involved, gave a very lucid statement as to the number of men employed, the price of board (\$1 a day) and the cost of operating the boarding house, the price of metals, etc. In answer to a question put by Mr. Davidson, witness said that they had paid 25 cents extra per day to some of the men employed at the Mollie Gibson mine in the hope of settling the existing difficulty, but upon being further questioned as to whether this additional 25 cents was still being paid, replied that it was discontinued from January 1, 1913. Interrogated further as to whether he had given the thirty days' notice, witness replied that he had not, as it was made without prejudice. After some further observations regarding the correspondence that had passed between his company and their employees to the effect that the men directly involved had been written to and not through the organization of miners, at the request of Mr. William Davidson the sittings of the Board were adjourned until Friday, January 10. The reason for the request was the holding of the District Convention of the W. F. of M. at Nelson, Wednesday, January 8, and Thursday, January 9.

Friday, January 10.

Upon the Board's resumption of the proceedings at the city hall, Mr. James D. Anderson of the Hope mine said that the property in question was in the development stage with no present possibilities of reaching a dividend-paying basis. He acknowledged that it had been a producer but that the proceeds obtained therefrom had been put back into the ground. Number of men employed, twenty to twenty-two. Asked by Mr. Davidson if they were not already paying some of the men the advanced scale, replied, 'Yes,' that the timber framer was receiving \$4, ore sorter \$3.50, but to miners and muckers they paid the going rate; \$8 a day would be the increased expenditure of granting the scale submitted.

S. S. Fowler, of the Bluebell mine, claimed that because of the low grade character of the ore his company was unable to pay the increased scale. He gave a history of the operation of the property and submitted figures connected therewith since he took over the management. Speaking of the living conditions at Riondel, gave a description of these both as regards the board, lodging and other conveniences that were furnished their employees, of which there were at present about ninety. He did not make any distinction when engaging a man as to whether he was single or married. Asked by Mr. Frank Phillips if he did not think the cost of board increased since 1906-7, replied that he thought there was a slight increase but could not state specifically.

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E. V. Buckley, Queen mine, stated that the price of metals did not concern them, as their mine was a gold producer. Answering Mr. Davidson said that there were forty-two men employed and to some of these the company was paying a higher wage in some instances than the going scale. Cost of boarding the men \$1.07 a day each, not including hauling (\$10 a ton from Salmo), and wood gathering. In further answer to Mr. Davidson said that some men were working at the mines in the vicinity at a higher rate than he was paying. That he had made overtures to the miners working under him relative to a slight increase but that he (Davidson) and McIsaacs (secretary of the Ymir union) had refused it. That the offer was made without prejudice. S. G. Blaylock, 'Is it not a fact, Mr. Buckley, that the "Mother Lode" is very wet?' 'Yes, and some men say they would rather work for me at \$3.50 than get \$4 at the Mother Lode.'

At the afternoon session, Mr. Davidson made a statement regarding his interview with Mr. Buckley. In part, he said: 'On November 13 I visited the Queen mine at the request of the men, made through their local secretary, when the question of their position should they go on strike was discussed, and I explained their legal status and advised them to comply with the law and apply for a Board. Upon interviewing Mr. Buckley he informed me that he could not pay the increase demanded. I explained to him my mission and assured him that the men had said they would continue to work conformably to the law, but that as an officer of the miners' organization I simply gave them my advice, as it is the men who decide what course they shall pursue.'

James Roberts was then called. Said that he was assistant secretary of the Kimberley Miners' Union, with headquarters at Moyie, where he was working as blacksmith in the St. Eugene mine, the property of the Consolidated Mining and Smelting Company. That the demand for a 50 cent all round raise in wages was not because of the findings of the 1907 award at Moyie, but the outcome of a special convention held at the request of the local unions on August 23, 1912, at Nelson, for the purpose of discussing the question. Demand was made on the Fort Steele Mining Company that is operating the Sullivan mine at Kimberley, and that a reply was received from Marysville, dated October 1. That the company did make an offer of 25 cents a day, but this was not applicable to the outside men. He then proceeded to talk about the cost of living, stating that it was an acknowledged fact that had been clearly demonstrated before the Board which sat in Moyie in 1907, that there had been a great increase in the cost of living all around. Asked for his opinion of what constituted a fair wage for an average man, he handed a newspaper clipping giving the report of a decision handed down by a judge at Bunker Hill, Australia. Questioned as to whether he did not think that the men had participated in the benefits resultant from the lead bounty, said that he did not so regard it. With reference to the sliding scale basis upon which the wages should be determined, said the men favoured a flat scale. In the course of his observations he alluded to the precarious character of the miners' vocation: isolation and consequent inconveniences, such as distance from medical aid, social advantages, etc. Answering a question as to what he considered a living wage, witness replied '\$4 a day.' Asked regarding his monthly cheque, said 'about \$88,' and that he went sometimes 'in the hole.' He then explained that he was a married man with one child, had no life insurance, a few dollars in the bank, some cheap land near Curzon and owned his home.

M. P. Villeneuve, secretary of Kimberly Miners' Union, living at Kimberly, miner at Sullivan mine, said that he thought that the men would have accepted the 25 cents advance offered had it applied to the outside men as well as the underground workers. Asked about his own wage, said that he received the usual \$3.50 a day, married, paid life insurance premium out of his wages, which average about \$60 a month.

H. Gregerich, of Ainsworth, merchant, called at the request of Mr. S. G. Blaylock. Testified that the prices of boots were slightly higher than three years ago. Cost of

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woollen goods, shirts, socks, but little different from five years ago. Replying to Mr. Davidson, said that he disposed of No. 1 mine to the Consolidated Company about a year and a half ago.

E. Guille, secretary-treasurer of the Granite Poorman, stated property a gold producer, operating under difficulties; to increase pay of men meant cease operations; now paying miners \$3.75, muckers \$3.25, timbermen \$4, and others 25 cents more than prevailing scale. Compelled to do this to hold good men. Average employees twenty-seven.

Saturday, January 11.

Allan Calhoun, formerly employed at the Mother Lode, called at the request of Mr. E. V. Buckley, gave data *re* contract work and day's pay results.

C. H. McDougall, superintendent at Kimberley about two years, dwelt at some length on the prices of metals. Said in 1908 underground men were reduced 50 cents, surface men only 25 cents, hence explanation why when recent offer of 25 cents a day more was offered it did not include the outside men. Described the workings of the camp and the conveniences in detail. Preferred married men as they are more attentive and easier to retain. Replying to Mr. Villeneuve relative to the prices of meats and provisions, said that the increase was particularly noticeable in the meat department.

Tuesday, January 14.

Held at court house, New Denver. Ernest Levy, manager of Van Roi, read statement; employ about 130. Estimate that to concede increased scale would mean about \$2,500 additional expenditure monthly.

Mr. Douglas Lay, superintendent of the above mine, also testified on similar lines to Mr. Levy. Said some of their employees have bank accounts. Details were furnished *re* boarding house.

. Thomas J. Armstrong, outside foreman at Van Roi, said he had eleven men working under him, that he was paid \$4 a day, married and had family living at Slocan; owns his home, had \$1,000 life insurance, and had some funds in the savings bank.

James Cronin, manager of the Standard, gave a most lucid description of the mining industry culled from his own experiences, ranging from mucker to mine manager. Interrogated by Mr. Davidson as to whether his company paid dividends, replied about \$50,000 a month since May. Asked if his company couldn't afford to pay the increased scale, said that was for the directors to decide when they got on velvet; and another reason for not doing so, that the men who were interested in the Standard also had holdings in other properties which were not on a paying basis.

George Stillwell, manager of Hewitt, considered present wage scale more than fair, paying miners (single jack) \$3.25. Gave details relative to the savings of many employees. Asked by Mr. Davidson if he were the private secretary for the men, replied 'No,' and upon also being asked by Mr. Davidson what wages he received, declined to answer.

Alec. Smith, manager Surprise, stated that he was paying all he could afford. Asked if when the mine was on a dividend paying basis what about increase, replied could give no encouragement, as the company had 130 to 140 thousand tied up and that both the merchants and the men had all been paid.

W. E. Finch, manager Idaho Alamo, said that the question of what they paid the men was governed largely by the law of supply and demand. Employed about thirty men. Idaho was at present closed down owing to snow blockade.

W. E. Zwickey, manager Rambler Cariboo, recited his experiences since 1900 in the Slocan district, and said that if it had not been for the lead bounty their property would have closed down six years ago. Asked as to chance for men to get the

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increase demanded when property was a dividend payer, said there was no chance until the company have had a return for the money invested, that capital has some rights and it will take a long time to recover what has already been invested.

Thomas Staley, formerly worked at Standard as a timber framer, but not employed at present, said that on the wages he got at the end of the year he came out about even. Asked as to what he considered a good living wage, replied that under existing conditions about \$1,400 a year, but what constituted a good living was a question of degree, that for himself he was anxious to sell his labour for all he could get.

David Murphy, a prospector and miner for the past thirty-five years, single, supporting a cripple brother, difficult to get steady employment of late years, said that he had put all the money he earned back into the ground. Worked in British Columbia since 1895.

Thursday, January 16, Nelson.

Anthony Shilland, secretary of Sandon Miners' Union, also district secretary of the W. F. of M., on the question of the voting 'Do you endorse this proposed district wage scale?' vote was 703 for, with 10 against. On the question, 'Are you willing to strike, if it be necessary in order to secure it?' vote stood 623 for, and 58 against. Upon interrogation from Mr. Ernest Levy, explained the method of taking vote. Questioned by the chairman said that he (Shilland) considered the demand justifiable because of the increased cost of living, that clothing and provisions had gone up in price. Married, no family. Did not think that the average miner worked more than eight months out of the year.

S. S. Fowler put in a tabulated statement relative to the cost of operation of boarding house at the Bluebell.

C. H. McDougall, superintendent at Kimberley, said that a miner should be physically able to work 300 shifts a year, that many in Rossland do this; to increase the wage to the scale demanded would reduce the profit on the investment from 4 per cent to about $\frac{1}{2}$ per cent.

John M. Turnbull, mining engineer for the Consolidated Mining and Smelting Company, filed statement showing the wages paid at the mines operated by their company, also those operated in other parts of British Columbia, Idaho, Montana, Colorado, &c., as well as a voluminous correspondence which was handed to the Board to be used as reference.

S. G. Blaylock then read a summarized summing up of the case for the Consolidated Mining and Smelting Company, which was signed by Messrs. E. Levy, W. E. Zwickey and S. S. Fowler, as subscribers to the same.

In the summing up for the miners' case:

Frank Phillips explained how the vote had been obtained in the Nelson district. Some companies, he said, had posted a wage scale of their own after the miners' demands had been made known. Further stated that the consensus of opinion among the men was in favour of a standard flat advance in preference to a sliding scale.

William Davidson reviewed the case, dwelt at length upon the conditions largely peculiar to the workers in the quartz mines. In many instances the men work in camps remote from civilization, that one of the reasons why so many single men were to be found in the mines enumerated was because of the difficulties that a married man had to contend against, such as inadequate medical aid, and when there were children of school age usually meant that they had to live in towns, thus materially increasing the cost to the married man of the upkeep for himself and those dependent upon him. Pointed out that a bunkhouse standard, based on the living wage of a single man, should not be the ideal for this period of prosperity about which so much had been said. Another expense which the miner had to consider was the extremely

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high rate of insurance that he must pay because of the hazardous character of his employment or else, as many did, he carried the risk himself and because he did so by placing his money in the bank this was adduced by the representatives of the operators as an argument that the wages paid was a living wage. He contended that the 50 cents additional demand would not meet the increase that had arisen in the last ten years in the cost of living, as the Government had furnished statistics that in that period the increase had been 31 per cent. With reference to the claim for an increase because of the higher price of metals, that this was merely incidental, that the increased cost of living was the main reason for demanding an increased scale so that the standard of living of the miners should not be diminished because of the decreased purchasing power of the dollar compared to what it was ten years ago.

Alluding to the risks of capital, of which mention had been made, he said that the worker was constantly risking the most valuable asset he possessed, viz., his life, and spoke about the four men who were recently buried under a snowslide near Sandon. Capital's share resolved itself in the last analysis what it had the power to take, and that the present dispute was an attempt on the part of the workers to prevent a sliding back in the standard of living.

J. W. BENNETT.

XVI.—APPLICATION FROM LOCOMOTIVE ENGINEERS, MEMBERS OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, EMPLOYED BY THE CANADIAN GOVERNMENT RAILWAYS MANAGING BOARD ON THE INTERCOLONIAL RAILWAY OF CANADA.—DIRECT NEGOTIATIONS RENEWED AND DISPUTE ADJUSTED.

Application received—December 9, 1912.

Parties concerned—The Canadian Government Railways Managing Board and Locomotive Engineers, members of the Brotherhood of Locomotive Engineers, employed on the Intercolonial Railway of Canada.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of Dispute—Employees demand for reinstatement of certain employees and for the payment to these and to others who had been suspended.

Number of employees affected—Directly, 8; indirectly, 350.

Result of inquiry—Proceedings under the Act were stayed pending further negotiations between the Government Railways Managing Board and the Brotherhood of Locomotive Engineers, which had not been concluded at the end of the fiscal year. (Slightly anticipating the course of events, it may be remarked that the dispute was adjusted by direct negotiations between the parties concerned.)

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XVII.—APPLICATION FROM MACHINISTS, BLACKSMITHS AND HELPERS, MEMBERS OF LODGE NO. 412, INTERNATIONAL ASSOCIATION OF MACHINISTS, AND LOCAL NO. 446, INTERNATIONAL BROTHERHOOD OF BLACKSMITHS AND HELPERS, EMPLOYED BY THE OTTAWA CAR COMPANY.—BOARD ESTABLISHED.—UNANIMOUS REPORT BY BOARD.—AGREEMENT CONCLUDED.

Application received—January 9, 1913.

Parties concerned—The Ottawa Car Company and machinists, blacksmiths and helpers, in its employ, being members of Lodge No. 412, International Association of Machinists and Local No. 446, International Brotherhood of Blacksmiths and Helpers.

Applicants—Employees.

Nature of industry concerned—Machinists, blacksmiths and helpers.

Nature of dispute—Wages and hours.

Number of employees affected—69.

Date of constitution of Board—January 11, 1913.

Membership of Board—Mr. Hamnett P. Hill, Ottawa, Ont., chairman, appointed on the joint recommendation of the other members of the Board; Mr. George F. Henderson, Ottawa, Ont., appointed on the recommendation of the employing company; and Mr. J. C. Watters, also of Ottawa, Ont., appointed on the recommendation of the employees concerned.

Report received—January 17, 1913.

Result of inquiry—A unanimous report was presented by the Board embodying an agreement, signed by both parties to the dispute, which disposed of all points at issue. The agreement is to remain in force for one year from January 17, 1913, and thereafter until terminated by sixty days' notice by either party.

The industry here affected was not one of the public utilities class to which the Industrial Disputes' Investigation Act primarily applies and, under section 63 of the Act, could be referred to a Board of Conciliation and Investigation for adjustment only by mutual agreement of both parties concerned. In the employees' application it was stated that the same had been made 'by mutual consent of both parties to the dispute.' This was confirmed by the company, and a Board was accordingly established by the Minister on January 9, being constituted as follows:—Hamnett P. Hill, Esq., Ottawa, Ont., chairman, appointed by the Minister on the joint recommendation of the other members of the Board, and Messrs. George F. Henderson, K.C., and James Cameron Watters, also of Ottawa, Ont., nominated by the company and the employees respectively.

The report of the Board embodied an agreement signed by both parties concerned, which disposed of all points at issue. It had been deemed advisable to make parties to the agreement other trades than those mentioned in the application. The agreement provides for a ten-hour day up to the end of October, 1913, or until the discontinuance of the Saturday half holiday, the working day from November to April, inclusive, to be from 7 a.m. to 12 a.m. and from 1 p.m. to 6 p.m., except on Saturdays, when the working day is to end at 5 p.m. From May to October, inclusive, work on Saturdays will cease at 12 o'clock noon. The agreement further provides that any work done outside of the regular working hours is to be counted as overtime and is to be paid for at a rate of time and a half; that wages are to be increased 10 per cent;

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and that so long as the men continue to work ten hours each day they shall be paid at a rate per hour as shall total the equivalent of a ten and a half-hour day at the increased rate of wages. When the hours are reduced to nine the men are to be paid at the hourly rate which they had been receiving while working ten hours per day. The agreement is to remain in force for one year from January 17, and thereafter until terminated by sixty days' notice given by either party.

Word was received in the department from the company and the employees, respectively, confirming their acceptance of the terms of the above mentioned agreement.

REPORT OF BOARD.

The text of the report of the Board of Conciliation and Investigation in this matter is as follows:—

In the matter of the Industrial Disputes Investigation Act, 1907, and of a dispute between the Ottawa Car Company, Limited, employer, and its machinists, blacksmiths and helpers, employees.

To the Honourable the Minister of Labour,
Ottawa, Ont.

The Board of Conciliation and Investigation appointed herein under the provisions of the above mentioned Act, and composed of James Cameron Watters, of the city of Ottawa, recommended by the employees; George Frederick Henderson, of the same place, recommended by the company, and Hamnett Pinhey Hill, of the same place, appointed on the joint recommendation of the other members of the Board by the Minister of Labour as chairman of the Board, have the honour to report as follows:—

The Board met on the 15th day of January, 1913, and having subscribed and taken the oaths of office, it immediately procured a conference between representatives of the men and the manager of the company, looking to a settlement of the matters in dispute.

The Board met further on the 16th and 17th days of January, 1913, continuing the negotiations in the direction of settlement to a successful result, a written agreement being eventually entered into between the company and certain representatives of the men, whom the Board understand to have been appointed by the men at meetings held for that purpose. During the course of the discussion it was deemed advisable that an effort should be made to make parties to the agreement other trades engaged in the company's works not formal parties to the investigation, and it will be seen that the agreement, a copy of which the Board has the honour to submit herewith, is so signed by representatives of such other trades. The members of the Board are unanimously of the opinion that the agreement is fair and reasonable and in the mutual interests of the parties concerned.

All of which is respectfully submitted.

HAMNETT P. HILL,
Chairman.

J. C. WATTERS.

GEO. F. HENDERSON.

OTTAWA, Ont., January 17, 1913.

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This agreement made (in triplicate) the seventeenth day of January, one thousand nine hundred and thirteen, between The Ottawa Car Company, Limited, hereinafter called the 'company,' of the first part; and the machinists, blacksmiths and helpers employed by the said company, together with such other employees of the said company as may be their representatives sign this agreement, hereinafter called the 'men,' of the second part.

Whereas, the works of the company have heretofore been operated on the basis of a ten-hour day and the men have requested the company to operate such works on the basis of a nine-hour day and to increase the wages heretofore paid to such an amount that the amount payable for a day of nine hours shall be equivalent to the amount heretofore paid for a day of ten hours.

And, whereas, the company has agreed to accede to the said request, subject, however, to the agreement of the men to continue to work for ten hours each day (subject to Saturday half holidays as hereinafter set out) until the end of the month of October, A.D., 1913.

Now therefore this agreement witnesseth, that the parties hereto have agreed in manner following, that is to say:—

(1.) From and after the date of this agreement, the principle of a nine-hour day shall be considered as the working principle of the company's works.

(2.) Up to and until the last day of the month of October, A.D. 1913, or until the discontinuance by mutual agreement of the Saturday half holiday, should it be discontinued before that date, the men agree to work for ten hours each day.

(3.) The regular working hours up to the last day of October, A.D. 1913, or the discontinuance of the Saturday half holiday as in the last preceding paragraph mentioned, shall be from 7 o'clock a.m. to 12 o'clock a.m. and from 1 o'clock p.m. to 6 o'clock p.m. for the first five days of the week, and from 7 o'clock a.m. to 12 o'clock a.m. and from 1 o'clock p.m. to 5 o'clock p.m. on Saturdays during the months from November to April, both inclusive, and from 7 o'clock a.m. to 12 o'clock a.m. and from 1 o'clock p.m. to 6 o'clock p.m. for the first five days of the week, and from 7 o'clock a.m. to 12 o'clock noon on Saturdays during the months from May to October, both inclusive.

(4.) From and after the last day of October, A.D. 1913, or the discontinuance of the Saturday half holiday as in the second paragraph hereof mentioned, work shall be discontinued at 5 o'clock instead of 6 o'clock on each of the first five days of the week, the other hours remaining as in the third paragraph hereof mentioned.

(5.) Any work done by day employees outside of the regular working hours as hereinafter set out will be called overtime and will be paid for at the rate of time and a half.

(6.) Wages now paid to the men shall be increased 10 per cent from and after the date of this agreement, so that the next ensuing pay list will be on the new basis.

(7.) From and after the date of this agreement and so long as the men continue to work ten hours each day, as hereinbefore set out, they shall be paid at a rate per hour as shall total per day the equivalent of a ten and a half hour day at the increased rate of wage as set forth in section five of this agreement. When the hours of working are actually reduced to nine hours, the men shall continue to be paid at the hourly rate which they shall have been receiving while working ten hours each day under this agreement.

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This agreement shall remain in force for one year from datte and thereafter until it is terminated on sixty days' notice to be given by either party to the other, a notice to be effectively given to the men by posting in a conspicuous place on the company's works.

As witness the signatures of the properly appointed representatives of the parties hereto.

For the Men:

WM. MACPHERSON.

W. J. CROFT.

J. L. BROWNRIGG.

A. SCOTT.

WM. FORTIN.

W. C. FARLEY.

H. HODGES.

L. MORRISON.

For the Company:

THE OTTAWA CAR CO., LIMITED.

W. K. JEFFREY,

Manager.

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XVIII.—APPLICATION FROM CERTAIN EMPLOYEES, MEMBERS OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS, INTERNATIONAL ASSOCIATION OF BLACKSMITHS AND HELPERS, BROTHERHOOD OF RAILWAY CARMEN OF AMERICA, INTERNATIONAL ASSOCIATION OF BOILERMAKERS, AND INTERNATIONAL ASSOCIATION OF BOILERMAKERS' HELPERS, EMPLOYED BY THE CANADIAN GOVERNMENT RAILWAYS MANAGING BOARD ON THE INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS.—PROCEEDINGS DISCONTINUED OWING TO SETTLEMENT THROUGH NEGOTIATION.

Application received—January 31, 1913.

Parties concerned—Canadian Government Railways Managing Board and certain employees, members of International Association of Machinists, International Association of Blacksmiths and Helpers, Brotherhood of Railway Carmen of America, International Association of Boilermakers, and International Association of Boilermakers' Helpers, employed on the Intercolonial and Prince Edward Island railways.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Hours and revision of schedule.

Number of employees affected—1,500.

Result of inquiry—Proceedings under Act were stayed pending negotiations between the Minister of Railways and Canals and a committee of the employees concerned, which resulted in a settlement of the matters in dispute.

NIX.—APPLICATION FROM CERTAIN EMPLOYEES OF THE CANADIAN NORTHERN RAILWAY COMPANY, BEING MEMBERS OF THE ORDER OF RAILWAY CONDUCTORS.—BOARD ESTABLISHED.—PROCEEDINGS UNFINISHED AT THE CLOSE OF THE FISCAL YEAR.

Application received—March 11, 1913.

Parties concerned—The Canadian Northern Railway Company and employees, members of the Order of Railway Conductors.

Applicants—Employees.

Nature of industry concerned.—Railways.

Nature of dispute—Wages, hours and working conditions.

Number of employees affected—Directly, 450; indirectly, 2,200.

Date of constitution of Board—March 29, 1913.

Membership of Board—Honourable Mr. Justice A. Hagart, Winnipeg, Man., chairman, appointed on the joint recommendation of the other members of the Board; Mr. Wm. Cross, Winnipeg, Man., appointed on the recommendation of the employing Company; and Mr. J. Harvey Hall, Toronto, Ont., appointed on the recommendation of the employees concerned.

Result of inquiry—Proceedings were unfinished at the close of the fiscal year. (Early in the new fiscal year the dispute was adjusted, following closely the lines which had been recommended by the Board.)

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XX.—APPLICATION FROM SCAVENGERS, WATERWORKS EMPLOYEES, AND MAINTENANCE AND CONSTRUCTION MEN, EMPLOYED BY THE CORPORATION OF THE CITY OF VANCOUVER, B.C., BEING MEMBERS OF EMPLOYEES' CIVIC UNION, AND LOCAL OF INTERNATIONAL UNION OF HODCARRIERS, BUILDING AND COMMON LABOURERS.—PROCEEDINGS UNFINISHED AT THE CLOSE OF THE FISCAL YEAR.

Application received—March 14, 1913.

Parties concerned—The Corporation of the City of Vancouver, B.C., and scavengers, waterworks employees, and maintenance and construction men, members of Employees' Civic Union, and Local of International Union of Hodcarriers, Building and Common Labourers.

Applicants—Employees.

Nature of industry concerned—Municipal employees.

Nature of dispute—Increase for waterworks men and alleged discrimination against members of the union.

Number of employees affected—Directly, 1,200; indirectly, 1,200.

Membership of Board—Messrs. H. O. Alexander and George E. McCrossan, both of Vancouver, B.C., were appointed members of the Board on the recommendation of the employing City and the employees, respectively. At the close of the fiscal year the Board had not been completed by the appointment of a chairman. (Judge Murphy of Vancouver was appointed chairman on joint recommendation and early in the new fiscal year the Board made a unanimous report, on the lines on which the dispute was adjusted.)

XXI.—APPLICATION FROM THE BRITISH COLUMBIA TELEPHONE COMPANY.—EMPLOYEES STRUCK PRIOR TO APPLICATION OF COMPANY.—CONFERENCE ARRANGED BY THE DEPARTMENT RESULTED IN SETTLEMENT OF DISPUTE.

Application received—March 17, 1913.

Parties concerned—The British Columbia Telephone Company and employees, members of Local Union 213, International Brotherhood of Electrical Workers.

Applicants—Employer.

Nature of industry concerned—Telephones.

Nature of dispute—Wages and conditions of employment.

Number of employees affected—320.

Result of inquiry—Through the good offices of the department conferences were arranged between the officials of the company and the committee of the men who had gone on strike on March 14. These conferences resulted in a settlement of the main points at issue and the men returned to work on March 24.

On March 17 a telegram was received in the department from the British Columbia Telephone Company, stating that its employees had gone out on strike on the 14th and requesting that an investigation should be held. Formal application for the establishment of a Board of Conciliation and Investigation in this matter was received on March 21. The dispute grew out of the employees' demand for increased pay, double time for overtime, and a ratio of one apprentice to every four journeymen. The number affected by the dispute was said to be 320.

Immediately upon receipt of the company's message the department notified its western fair wages officer of the occurrence of the strike and instructed him to do all in his power to assist in bringing about a settlement of the dispute. Meetings were accordingly arranged between the officials of the company and a committee of the strikers, which resulted in the settlement of all the main points at issue, a few minor points being left for future settlement after the men returned to work. The company agreed that there should be no discrimination against union men, and the men returned to work on March 24.

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XXII.—APPLICATION FROM CERTAIN EMPLOYEES, MEMBERS OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, EMPLOYED BY THE CANADIAN PACIFIC RAILWAY COMPANY ON THE ALBERTA DIVISION.—PROCEEDINGS UNFINISHED AT THE CLOSE OF THE FISCAL YEAR.

Application received—March 31, 1913.

Parties concerned—The Canadian Pacific Railway Company and certain employees on the Alberta Division, members of the Brotherhood of Locomotive Firemen and Enginemen.

Applicants—Employees.

Nature of industry concerned—Railways.

Nature of dispute—Alleged breach of agreement by the company.

Number of employees affected—Directly, 2,659; indirectly, 7,000.

A Board had not been established at the close of the fiscal year.

CASES WHERE PROCEEDINGS WERE UNFINISHED AT THE
CLOSE OF THE FISCAL YEAR.

In addition to the applications received and disposed of prior to the close of the fiscal year, the following applications have been received concerning which proceedings were still pending on March 31, 1913:—

1. Application from certain employees of the Canadian Northern Railway Company, the number of employees concerned being estimated at 450 directly, and 2,200 indirectly.

2. Application from certain employees of the Corporation of the city of Vancouver, B.C., the number of employees concerned being estimated at 1,200 directly, and 1,200 indirectly.

3. Application from certain employees on the Alberta Division of the Canadian Pacific Railway, the number of employees concerned being estimated at 2,659 directly, and 7,000 indirectly.

Appeal proceedings were also under way in Montreal in connection with a Board which had been established in August, 1911, to deal with a dispute between the Montreal Street Railway Company and its employees.

BRITISH COMMISSIONER'S REPORT
ON THE
INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

(Sir George Askwith, K.C.B., Chief Industrial Commissioner of Great Britain, visited Canada during the summer of 1912 to make an official inquiry on behalf of the British Government into the operations of the Industrial Disputes Investigation Act, 1907. Sir George Askwith's report to the British Government is here reprinted.)

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**REPORT ON THE INDUSTRIAL DISPUTES INVESTIGATION ACT OF CANADA,
1907.**

December 9, 1912.

SIR,—I have the honour to report that, in accordance with the desire of His Majesty's Government, I have visited Canada during the months of September and October and inquired into the working of the Industrial Disputes Investigation Act, 1907 (6 and 7 Edw. VII, cap. 20, as amended by 10 and 11 Edw. VII, cap. 29), popularly known as the 'Lemieux Act.' In the course of that inquiry I travelled from Quebec to Vancouver island via Calgary, returning to Ottawa and Montreal via the Crowsnest Pass, and interviewed several hundred employers, workmen, trade union officials, public men, and Government officials at most of the principal industrial centres.

Among those particularly connected with the administration of the Act from whom I received aid and information, were the Right Honourable R. L. Borden, the Premier; Honourable T. W. Crothers, the Minister of Labour; the Right Honourable Sir Wilfrid Laurier and Honourable Rodolphe Lemieux, the Premier and Minister of Labour respectively in whose terms of office the Act was passed; and Honourable W. L. Mackenzie King, Deputy Minister and afterwards Minister of Labour, who was largely responsible for the Act becoming law. I would specially thank Mr. F. A. Acland, present Deputy Minister of Labour, who supplied me with every kind of document and grudged neither time nor trouble in assisting me. The High Commissioner for Canada, the Right Honourable Lord Strathcona, aided me with letters of introduction.

Throughout the Dominion, at Quebec, Montreal, Ottawa, Toronto, London, the Trade Union Congress at Guelph, Winnipeg, Calgary, Vancouver, Victoria, Nelson, Cranbrook, Frank and again at Ottawa every possible assistance was given by employers, trade union officials, and public men, and also by chairmen and members of the Boards established under the Act. In short, nothing could exceed the courtesy shown to me and to Mr. I. H. Mitchell of my department, who accompanied me, and whose assistance I most gratefully and cordially acknowledge.

My attention was chiefly directed to seeing representatives of the trades specially affected by the Act, viz., mines and industries connected with public utilities, and hearing the views expressed by men who had practical knowledge of the Act, and I am of opinion that I met most of the principal persons having such knowledge both in the east and west of Canada. Though time did not permit of a visit to Nova Scotia, I was able to see at Toronto and Ottawa representatives of both employers and men connected with the Nova Scotia coal and iron industries. Time also did not allow of any examination of labour questions in the United States, but I was able to obtain official documents in an interview with Honourable Charles P. Neill, the Commissioner for Labour, at Washington. An examination of systems employed in the United States, if it could be made at some future date, would, I think, be valuable.

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The impressions and conclusions at which I have arrived after the present inquiry are mentioned in the following report. In that report I have purposely avoided detailed examination of each particular dispute and the accounts given of the disputes by other persons. Such details can be found in the reports of the Department of Labour (Canada); the bulletin of the Bureau of Labour, Washington, and especially the reports of Mr. Victor S. Clark, May, 1908 and 1910; and our own Report on Laws in the British Dominions and Foreign Countries affecting Strikes and Lock-outs, Cd. 6081, presented to Parliament in 1912. Such accounts generally and necessarily omit circumstances behind the scenes which often cannot be ascertained or openly defined. They can take no notice of the tact and skill, or the reverse, of the Boards appointed to effect a settlement or make a recommendation. They do not as a rule reflect the opinions, whether they are right or wrong, of those who have been practically engaged in the dispute and have been affected by it. Consequently, although I have carefully studied every available document upon the subject, my intention has been to examine, from the British point of view, and succinctly express the live criticism directed for or against the Act, and the real advantage or disadvantage of the Act, and from practical knowledge of trade disputes to consider how far any development upon the lines of the Act can be of service generally in this country.

I have, &c.,

(Sgd.) G. R. ASKWITH.

Right Honourable SYDNEY BUXTON, M.P.,

President of the Board of Trade.

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REPORT.

Before examining the 'Lemieux' Act, it may be well to consider the conditions under which it was introduced, and the position relative to trade disputes which had been developed by legislation in Canada prior to 1907.

In 1900 'The Conciliation Act' had been passed, a purely voluntary conciliation measure framed largely on the lines of the 1896 Conciliation Act of this country, but providing for the establishment of a Department of Labour. [For text of this Act see App. B, p. 182.] In 1902 the new department, under the direction of Sir Wm. Mulock as Minister and Mr. W. L. Mackenzie King as Deputy Minister, was active in prosecuting inquiries into methods whereby industrial disputes might be avoided. These inquiries ultimately concentrated upon the conditions existing between railway companies and their employes, largely owing to a dispute which took place upon the Canadian Pacific Railway during 1902. The result was that an Act was passed in 1913, entitled 'An Act to aid in the settlement of Railway Labour Disputes,' cited as 'The Railway Labour Disputes Act, 1903.' [For text of this Act see App. C, p. 184.]

The main feature of this Act, which was confined to industrial disputes on railways, was the power given to the Government, where a difference was threatened which was likely to occasion a strike or lockout and thereby endanger the lives of passengers or persons employed, or interrupt the regular and safe transportation of mails, passengers, and freight, or where a strike or lockout actually existed, to refer such difference to a Committee of Conciliation, and, failing a settlement by this committee, subsequently to a Board of Arbitrators. The powers of the Conciliation Committee are limited to the lending of friendly offices with a view to adjusting the difference. The Board of Arbitrators, on the other hand, have the power to compel the production of documents, the attendance of witnesses, and the taking of evidence under oath, and to recommend terms of settlement. The recommendation is not in the nature of an award, enforceable in courts, but rather an adjudication designed to carry with it the sanction of public opinion. Although the Board is entitled 'the Board of Arbitrators,' they have no power of decisive arbitration.

The Acts of 1900 and 1903, which were consolidated in 1906, were so far successful that no strike of moment occurred on any railway in the Dominion between the passing of the Act of 1903 and 1907, when the more comprehensive measure (the 'Lemieux' Act) became law, and the same position has continued to be maintained.

An explanation of this success, so far as railway trade unionism in Canada is concerned, is not difficult to find. I was struck by the remarkable difference in attitude displayed by railway union officials generally as compared with that of some trade union leaders in other trades. The former appeared to recognize that the holding up of the railway system by a strike was a procedure only justifiable as a last resort, and that it was due to the public that every possible step should be taken to arrive at a settlement before recourse was had to a strike as a means of adjusting differences. The result of this attitude has been that the Canadian railway unions, of which there are several, covering the various grades, have frankly accepted the spirit of the 1903 and 1907 Acts, and apply as a natural course for Boards of Investigation and Conciliation when difficulties which threaten to become acute arise. This acceptance of the theory that the public have a right to be informed impartially of the merits of questions which gravely threaten their wellbeing and of the spirit of the Acts has so far been adopted by those concerned with the Canadian railway system as to place the country in almost as safe a position against a serious stoppage as it is possible to reach.

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The contrary policy sometimes advocated is that of bringing pressure to bear upon employers by causing the public a maximum of inconvenience and loss. I think there can be no doubt that, apart altogether from the ethics of the question, the principles of good citizenship, and the rights of the public, the actual results of the former policy to both workmen and employers have been advantageous.

Prior to 1907 Conciliation Acts were also passed in some of the provinces, notably Quebec, where 'An Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes in the Province of Quebec' became law in 1901. In principle this Act follows the 1896 Conciliation Act of this country, but instead of being purely voluntary, the Quebec Act stipulates that 'the registrar shall visit the locality in which such difference exists, and earnestly endeavour to act as mediator between the parties.'

THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

In 1907 a further step was taken in the direction of Government action in disputes by the passing of the 'Lemieux' Act. [For text of this Act see App. A, p. —.] Before describing this Act it is necessary to preface that during my inquiry I found it constantly necessary to keep clearly in my mind the scope and purpose of the Act, as there seemed to be a frequent tendency to read into and expect from the Act features which, as far as I could gather, were never intended by those responsible for its becoming law, and are not in fact included in it.

The simple purpose of the Act is to ensure the recognition of the interests of the public, as a third party, in trade disputes, and the insistence that that third party, through the Government, shall have a voice in regard to a dispute affecting their interests, and, according to the Act, before a stoppage of work takes place. In practice the recognition extends to cases arising before or after a stoppage of work. While this principle of the recognition of the public interest in trade disputes is emphasized in the Act, the actual interference with the parties in the settlement of their differences is sought to be reduced to a minimum by the Act being confined—

1. To industries whose uninterrupted continuance is of high importance to the well-being of the nation (mining, railways, shipping, and other public utilities); and
2. To a brief suspension of the right to stop, as distinct from a complete prohibition of stoppage.

CONDITIONS PRECEDING THE PASSING OF THE ACT.

The 'Lemieux' Act became law on the 22nd March, 1907. The immediate cause which brought about the passing of the Act was a prolonged strike of miners at Lethbridge, Alberta, which had the effect of seriously threatening the supply of coal in western Canada. The dispute was ultimately settled by Mr. W. L. Mackenzie King, the Deputy Minister of Labour, who induced the parties to meet and come to a settlement. A peaceful continuance of the coal industry in western Canada appeared, however, to be extremely doubtful, as the relationship between the two parties was far from cordial. The men, on the one hand, had for a year or two previous to the strike been vigorously organizing under the auspices of the United Mine Workers of America, and the operators (owners) had also been organizing. The outcome of this massing of forces on either side might conceivably culminate in either a recognition of each other's position and the acceptance of negotiation as the method of arriving at a settlement of differences, or a resort to a trial of strength, which, if it occurred in the winter, would have been most disastrous to the public. It was evidently feared that there was grave possibility of the latter course being followed.

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In reporting to the Minister of Labour the circumstances surrounding this strike at Lethbridge, Mr. Mackenzie King dealt at length with the danger and loss to the country which resulted from such stoppages, and made certain recommendations which were largely instrumental in inducing the Minister to sanction the introduction of the Bill. An extract from this report may be quoted:—

‘In the settlement which was reached, both parties, I believe, made concessions in view of the great public emergency, which they would not have made had they not been moved by humanitarian considerations. Up to this point, however, the struggle, so far as third parties were concerned, appears to have been purely selfish. Until brought face to face with the serious situation which the long continuance of the dispute had produced, the public does not seem to have come in for any consideration whatever.

‘When it is remembered that organized society alone makes possible the operation of mines to the mutual benefit of those engaged in the work of production, a recognition of the obligations due to society by the parties is something which the state is justified in compelling if the parties themselves are unwilling to concede it. In any civilized community private rights should cease when they become public wrongs. Clearly there is nothing in the rights of parties to a dispute to justify the inhabitants of a province being brought face to face with a fuel famine amid winter conditions, so long as there is coal in the ground and men and capital at hand to mine it. Either the disputants must be prepared to leave the differences which they are unable to amicably settle to the arbitrament of such authority as the state may determine most expedient, or make way for others who are prepared to do so.

‘What I know of conditions in the Canadian West leads me to believe that the labour troubles in the mines, which this country has been forced to witness during the present year, will not be without repetition at some future time, unless, and this, I fear, is improbable, the attitude of the parties towards each other becomes vastly different than it has been in the past, or some machinery is devised by the State—either the federal or provincial Government—whereby the parties will be obliged to refer to an impartial tribunal such differences as, failing of amicable adjustment, are likely to lead to a lockout or strike.’

MR. MACKENZIE KING'S RECOMMENDATION.

‘The Parliament of Canada has already enacted legislation which has done much towards preventing industrial conflicts and furthering industrial peace,’ and he proceeds to mention the Acts of 1900 and 1903, and continues:—

‘The purpose of Parliament in enacting both the Conciliation and Railway Labour Disputes Acts might, it seems to me, be considerably furthered were an Act applicable to strikes and lockouts in coal mines, similar in some of its features to the Railway Labour Disputes Act, also enacted. Inasmuch as coal is in this country one of the foremost necessities on which not only a great part of the manufacturing and transportation industries, but also, as the recent experience has shown, much of the happiness and life itself depends, it would appear that if legislation can be devised which, without encroaching upon the recognized rights of employers and employees, will at the same time protect the public, the State will be justified in enacting any measure which will make the strike or lockout in a coal mine a thing of the past. Such an end, it would appear, might be achieved, at least in part, were provision made whereby, as in the case of the Railway Labour Disputes Act, all questions in dispute might be referred to a Board empowered to conduct an investigation under oath, with the additional feature, perhaps, that such reference should not be optional but

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obligatory, and pending the investigation, and until the Board has issued its finding, the parties are restrained on pain of penalty from declaring a lockout or strike.

'In view of past experience and the present situation, I would, therefore, respectfully recommend that the attention of Parliament be, at as early a date as possible, invited to a consideration of some such or other measure, with a view of preventing a possible recurrence of an experience such as this country has been forced to witness during the past month, and of promoting in the interests of the whole people the cause of industrial peace.'

The recommendation with which this report concludes was promptly accepted and acted upon by the Government. The report was made to the Minister on the 8th December, 1906; a week later it was published in the Canadian *Labour Gazette*; and on the same day the Minister of Labour gave notice in the House of Commons of his intention to introduce a Bill to aid in the settlement of disputes. A Bill drafted upon the lines of the suggestion contained in the report was presented, and, after considerable debate, was enacted on the 22nd March, as 'The Industrial Disputes Investigation Act, 1907.'

This Act, it will be seen, constituted another step in the direction of Government action in dealing with trade disputes. The development, as has already been indicated, had been:—

(1.) The Conciliation Act of 1900.

(2.) The Act of 1903, establishing the right of Government investigation in differences affecting railways, and, failing settlement by conciliation, the recommendation to the parties of terms upon which a settlement might be reasonably based.

Neither of these Acts purported to interfere in any way with the right to strike or lockout.

(3.) The Industrial Disputes Investigation Act, 1907.

THE MAIN PROVISIONS OF THE ACT.

The 'Lemieux' Act requires that any dispute arising in connection with the class of industries named, that is, mining, agency of transportation or communication, or public service utility, shall be submitted to a Board of Conciliation and Investigation, with a view to arriving at a settlement before a strike or lockout can be legally brought about. It also stipulates that at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours shall be given, and that pending the proceedings before the Board, in the event of such intended change resulting in a dispute, the relations to each other of the parties to the dispute shall remain unchanged, and neither party shall do anything in the nature of a lockout or a strike.

Section 5 says:—'Wherever any dispute exists between an employer and any of his employees and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation, to which Board the dispute may be referred under the provisions of this Act. . . .'

Section 56 says:—'It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike on account of any dispute, prior to or during the reference of such dispute to a Board of Conciliation and Investigation. . . .'

Section 57 deals with the question of intended changes affecting conditions of employment with respect to hours and wages.

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The Act provides that the Minister of Labour shall, within fifteen days from the date at which he receives an application for the appointment of a Board, if satisfied that the provisions of the Act apply, establish such Board. The Board shall consist of three members, who shall be appointed by the Minister, one on the recommendation of the employer concerned in the dispute, one on the recommendation of the employees, and the third on the recommendation of these two. Should the two members fail to agree upon the appointment of a third member the Minister shall appoint a fit person to be the chairman, or should either party fail to make a recommendation the Minister shall appoint a fit person to be a member of the Board.

The application for a Board must be accompanied by a statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation, to the best of the knowledge and the belief of the declarant, a lockout or strike will be declared, and that the necessary authority to declare such lockout or strike has been obtained.*

In the course of the investigation the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board is required to make a full report thereon to the Minister, and make such recommendation as it sees fit for the settlement of the dispute. The Board is invested with powers for summoning and enforcing the attendance of witnesses, administering oaths and otherwise, so far as may be necessary for a full investigation of the matters put before it. The Board has further the right to inspect and to allow those whom it may indicate to inspect all books, documents, etc., brought before it, but the information obtained therefrom shall not, except in so far as the Board deems expedient, be made public. The Act makes provision for imposing penalties where the summons or order of the Court has been disobeyed or where any person may be guilty of contempt of the court.

Any employer declaring or causing a lockout contrary to the provisions of the Act becomes liable to a fine of not less than 100 dollars nor more than 1,000 dollars for each day or part of a day that such lockout exists, while any employee who goes on strike contrary to the provisions of the Act becomes liable to a fine of not less than 10 dollars nor more than 50 dollars for each day or part of a day that such employee is on strike. Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout or any employee to go or continue on strike contrary to the provisions of the Act shall be guilty of an offence and liable to a fine of not less than 50 dollars nor more than 1,000 dollars.

Although the finding of the Board is not in itself binding, and when delivered leaves the parties to the dispute free to take such action as they may respectively choose, the parties to the dispute may agree to be bound by the recommendation of the Board, when such recommendation can be made binding on both parties as parties are bound by an award made pursuant to a reference to arbitration on the order of a Court of Record.

Industries not covered specifically by the Act may voluntarily, upon application, have cases decided under its provisions.

The Act does not appear to contemplate that the Government shall institute proceedings when the provisions are believed to have been infringed. This action is left to be taken by the parties aggrieved.

DIFFERENCE FROM COMPULSORY ARBITRATION.

It will be seen that the Act differs essentially from compulsory arbitration. It only endeavours to postpone a stoppage of work in certain industries for a brief

* The provision relating to a dispute affecting employees in more than one province was inserted in the amending Act passed in 1910. (See section 15 [2b], page 20, for the full requirements of the declaration.)

period and for a specific purpose. It does not destroy the right of employers or work-people to terminate contracts. It does not attempt to regulate details of administration of business by employers or interfere with organization of associations of employers or of trade unions. It legalizes the community's right to intervene in a trade dispute by enacting that a stoppage either by strike or lockout shall not take place until the community, through a Government department, has investigated the difference with the object of ascertaining if a recommendation cannot be made to the parties which both can accept as a settlement of the difference. It presupposes that industrial differences are adjustable, and that the best method of securing adjustment is by discussion and negotiation. It stipulates that before a stoppage takes place the possibilities of settlement by discussion and negotiation shall have been exhausted, but, and here it differs from compulsory arbitration, it does not prohibit a stoppage either by lockout or strike if it is found that no recommendation can be made which is acceptable to both sides. If no way out of the difficulty can be found acceptable to both parties, there is no arbitrary insistence upon a continuance of either employment or labour, but both sides are left to take such action as they may think fit. As a result, it does not force unsuitable regulations on industries by compulsory and legal insistence, but leaves an opportunity for modification by the parties. It permits elasticity and revision, and, if it does not effect a settlement, indicates a basis on which one can be made.

WORK UNDER THE ACT AS REPORTED BY THE DEPARTMENT OF LABOUR OF CANADA.

It may be useful to indicate the figures published by the Department of Labour of Canada in relation to the number of disputes dealt with by the Act. Full particulars are given in the annual publications of the department, but they may be generally summed up in the following statistical tables showing:—

- (1.) The proceedings under the Act from the date of its enactment, the 22nd March, 1907, to September, 1912.
- (2.) Proceedings under the Act by calendar years, 1907 to 1911.

The following table summarizes the proceedings under the Industrial Disputes Investigation Act from the date of its enactment, the 22nd March, 1907, to the 2nd September, 1912:—

	Disputes referred for Adjustment under Act.	Strikes not averted or ended.
Mines and smelters—		
Coal mines.....	40	6
Metalliferous mines.....	10	3
Transportation and communication—		
Railways.....	53	5
Street railways.....	10	1
Longshoremen.....	3	
Freight handlers.....	2	
Teamsters.....	1	
Sailors.....	1	
Ship-liners.....	1	
Deck hands.....	1	
Commercial telegraphers.....	2	
Telephone workers.....	1	
Civic Employees—		
Labourers.....	1	
Electrical workers.....	2	
Industries other than mines and public utilities.....	4	
	132	15

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The total number of Boards of Conciliation and Investigation established under the Act during the period is 118.

Of the 132 cases in which application was made for the establishment of a Board of Conciliation and Investigation, 20 cases were settled before hearing; 107 were reported upon by Boards of Conciliation and Investigation; 5 were before Boards which were still in session.

TABLE showing proceedings by Calendar Years 1907-11.

	1907* 9 months.	1908.	1909.	1910.	1911† 3 months.	Total.
Number of applications.....	25	27	22	28	4	106
Number of Boards granted.....	25	23	21	23	3	95
Strikes averted or ended‡.....	24	26	18	24	3	95
Strikes not averted or ended.....	1	1	4	4	0	10

* The Act became law on the 22nd March, 1907, so that the proceedings cover nine months only.

† To the end of the financial year, the 31st March.

‡ In the case of one of the applications received during 1911 the company had gone into liquidation at the time of the investigation.

THE ATTITUDE OF LABOUR IN CANADA WHEN THE ACT WAS INTRODUCED.

The influence which induced the Government to pass the measure has been explained as being mainly the condition of affairs in the coal mining district of western Canada, so markedly contrasting with the relationship existing between the railway companies and their employees. It was no doubt hoped that the acceptance of the spirit of the 1903 Act by the railways would be repeated by the mining and the other public utility industries when the 1907 Act became law. It would appear, however, that this expectation was scarcely realized, as almost immediately following the passing of the Act a strike of miners took place in the western coalfield. This possibly was to some extent due to a lack of knowledge of the provisions of the Act, but from my interviews with the officials of the United Mine Workers' Association I gathered that the trouble was more deep-rooted than mere lack of knowledge of the Act.

It will be seen from Mr. Mackenzie King's report, already quoted, that he attributes the cause of the long strike at Lethbridge in 1906 to 'the attitude of the parties towards each other.' He further says in another part of the same Report:—

'I cannot but feel that a little more tact and a disposition to understand aright the position of the other by each of the parties might have averted the trouble. Certainly, had the parties been prepared to view their actions with the same regard to the interests of the public that they finally came to view them the strike would never have continued so long.'

These remarks could, I felt, with equal truth be written of certain critics of the Act in Canada to-day.

As showing the attitude of the miners towards the Act on its introduction, it may be mentioned that when, during the sitting of their conference at Calgary late in March, 1907, they first heard of the intention to pass such an Act, they immediately concluded that its purpose was to prevent them taking quick action against their employers, and so assist the employers by delays in such a way as to enable them to prepare for any stoppage that might take place. So much were they imbued with this feeling that a proposal was made to cease work at once as a protest against the passing

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of the Act. It was urged, however, that they should wait until they knew what the provisions of the Act were, as up to the day of the Act becoming law they claimed to have had only meagre knowledge. Although this course was followed, the resentment against what was conceived to be an attempt to prevent them from striking was sufficiently strong to bring about a stoppage without regard to the Act. This attitude of the coal miners of western Canada is instructive, as it has been more or less sustained since that time.

In considering the attitude of labour towards the Act, it should be remembered, therefore, that the Act had a hostile reception from some of those most immediately affected, not so much because of any demerits it might possess, but because it was believed to have been introduced with a view to frustrate their efforts in the effective use of the strike weapon.

I believe this conception to have been erroneous, but my present point is simply to show that the Act was prejudiced in the early stages of its work, which prejudice has retarded the full benefits that might have resulted from its becoming law.

The reception given to the Act by the United Mines Workers of western Canada was, then, frankly hostile, and labour generally was, to say the least, suspicious. Even the railway trade unions, whose members are amongst the best organized workmen in Canada, and who were then working under the Act of 1903, were opposed to the new Act being applied to them, so much so that when it was proposed to include railways in the Bill (railways not having been included when the measure was first introduced) strong representations were made by the railway unions against the proposal, a joint deputation from these organizations waiting upon the Minister who had charge of the measure, the plea being that the Railway Labour Disputes Act of 1903 was all that was necessary so far as railways were concerned. Notwithstanding this representation, railways were included, the only concession made being that they were given a choice, so far as procedure was concerned, of the machinery of either Act. In effect, however, they came under the new measure, the machinery of which is more simple and does not involve the appointment of two courts, conciliators and arbitrators.

The Act was launched, therefore, in face of the strong opposition of unions covering two of the largest sections of labour dealt with by the Act—the western coal miners and the railwaymen—an opposition supported, for a variety of reasons, by many trade union officials in trades outside the Act.

PRESENT ATTITUDE OF LABOUR IN CANADA.

As regards the western coal miners, this attitude of opposition has been maintained, and has been more or less supported by many leading trade unionists. With respect to the railway unions, however, a reversal of their former attitude has resulted from their experience under the Act, and no more warm supporters of the Act are now to be found in the Dominion than leaders of railway unions. At the meeting of the Trades Union Congress which I attended at Guelph it was the officials of the railway unions who spoke most strongly in defence of the Act. One of them frankly admitted that he had been one of those who were strongly in opposition when the Act was first introduced, and had in fact taken part in the deputation which waited upon the Minister responsible for the Act in order to urge that railway employees should not be included. His experience under the Act, probably as extensive as that of any trade union official in Canada, had, however, quite convinced him as to its usefulness. In a very able speech, this official dealt in detail with every objection taken by previous speakers, and his attitude was all the more a remarkable tribute to the excellence of the Act as an instrument for adjusting labour difficulties inasmuch as at that moment his members—the telegraphists employed by the Canadian Pacific Railway—had almost unanimously rejected a recommendation made by a Board which had been

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appointed to consider a demand made by them under the Act. The position was, therefore, that at the moment of his speech the Act had practically failed, so far as this particular demand was concerned, to adjust the difference between his members and the Canadian Pacific Railway, but this did not in the slightest degree minimize his defence of the Act. His argument was, I thought, sound, namely, that the Act had exhausted the possibilities of settlement; the community, through the Board, had investigated the matter, had made its recommendation, but had failed to induce his people to accept it. They were now free under the Act to take such action as they deemed wise. He, in fact, took the Act as it stood, and if it failed to adjust the difference, as on occasions it no doubt would, then the parties were in the same position as if no Act existed, with the added satisfaction of having exhausted the possibilities of peace. (As it happened, in the case then pending, the parties met after the Board had given its recommendation and, taking the recommendation as a basis, agreed upon certain alterations which enabled them to reach a settlement. While, therefore, the Act ostensibly failed, in reality it was instrumental in bringing the parties to agreement.)

It was admitted to me by opponents of the Act that it had been beneficial to weak trade unions, but that where unions were strong it was a disadvantage; this, however, could not be the case; the telegraphists, for example, were probably in as strong a position as it was possible for a body of workmen to be, yet they and the other strong railway unions endorse the Act.

I may here perhaps deal with the attitude adopted by the Canadian Trade Union Congress.

At the congress held the previous year (1911) at Calgary, the following resolution was passed:—

‘While this congress still believes in the principle of investigation and conciliation, and while recognizing that benefits have accrued at times to various bodies of workmen under the operation of the Lemieux Act, yet, in view of decisions and rulings and delays of the Department of Labour in connection with the administration of the Act, and in consequence of judicial decisions like that of Judge Townsend in the province of Nova Scotia, determining that feeding a starving man, on strike, contrary to the Act, is an offence under the Act: Be it resolved that this congress ask for the repeal of the Act.’

This resolution was endorsed at the congress I attended, the resolution indicating that the unions concerned in this congress, chiefly those connected with international associations, stood where they were, nothing having specially occurred in the interval to cause them to change their attitude.

The points of opposition to the Act, as gleaned from conversations and interviews which I had throughout Canada, and also as raised at the congress at Guelph, may be summed up as mainly consisting of the following:—

- (1.) That the Act hindered the workers from taking advantage of the best moment for securing better conditions.
- (2.) Refusal of employers to accept recommendations of the Boards.
- (3.) Unnecessary delays by the Boards in arriving at a conclusion.
- (4.) Exploitation by employers of the period during which strikes are not legally permitted.
- (5.) The right of the parties themselves to settle their own differences.
- (6.) Refusal to grant Boards.
- (7.) The alleged partisan character of some of the Boards.
- (8.) Certain judicial decisions in connection with the Act.
- (9.) The absence of a method of interpretation of decisions of the Boards

These objections sum up generally the more salient criticisms of the Act from the labour point of view.

The first of these objections raises the whole question of the main principle of the Act. A section of trade union opinion favours freedom to cease work at a moment's notice. It is contended that the owners of all other commodities can sell or withhold them without any restrictions whatever, and, it is asked, why should workmen, who have only their labour to sell, be prevented from disposing of it or withholding it at the moment most favourable to them? These advocates instance wheat, coal, iron, or any other article, and say it is not proposed to compel the owners of these commodities to give thirty days' notice and await the result of an investigation before they can withdraw their wheat or coal or iron from the market, so why should it be so with labour?

Without attempting to discuss the question of cornering the necessities of life, and how such a development could best be met, I think the answer to this criticism is obvious. If wheat, or coal, or iron, or any other commodity were to be held up in such a way as to endanger society, and active steps taken to hinder all importation from any other source, no doubt society would take steps to protect itself, and it was the danger which society was in of being held up by a cessation of labour which apparently induced the Canadian Government to pass the Industrial Disputes Investigation Act.

Carried to its logical conclusion, the claim to cease work at a moment's notice, if acted upon, would make business impossible, and in a civilized community business must be made possible; it is therefore not unreasonable for a community to say both to employers and workmen: If you desire to engage in this or that business under the protection of our laws you can only do so under certain conditions, one of which is that before bringing about a cessation of work which may seriously jeopardize the public wellbeing, certain notice must be given. This principle has indeed long been recognized both by the Government in dealing with labour (see 38 and 39 Vict., cap. 86, s. 4) and in every-day business contracts.

A great deal might be said from the workman's own point of view in criticism of this policy of sudden stoppage, but I need not touch upon that, beyond pointing out that the policy of every well-established trade union, both in this country and America, is in the direction, not of the sudden attack, but of obtaining discussion, and exhaustive discussion, before a stoppage is resorted to. The Canadian Act is an extension of this principle of exhaustive discussion. In effect it stipulates that not only shall the principals themselves exhaust their own effort at securing agreement, but the community must also have full knowledge of the matter, with a view to seeing if a tribunal, free from the prejudices of both parties, cannot suggest some way out of the difficulty. With a view to obtaining this result the Act gives a right of obligatory discussion, and enforces the production of witnesses and books for the purpose of proving whether contentions are right or wrong.

The second of the objections—namely, the refusal of employers to accept recommendations from the Boards—is, of course, expressly permitted by the Act, just as the workmen are also permitted to refuse recommendations; otherwise it would be a compulsory arbitration measure.

The third criticism—that of the delays occasionally arising before a conclusion was reached—was, I felt, a real difficulty, not so much because of the actual loss sustained by the one side or the other, but on account of the irritation which always accompanies trade movements if they are delayed by apparently unnecessary obstacles. In a country like Canada, covering an area of thousands of miles from the Atlantic to the Pacific, delays cannot well be avoided. The Act stipulates that thirty days' notice must be given, and further that no stoppage can take place pending the Board making a recommendation. Thirty days' notice certainly appears a long time, but

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the difficulties experienced in securing a Board by a responsible department sitting at Ottawa, Ontario, on a difference which may have occurred at the extreme corner of British Columbia are very great, not only because of the enormous distance, but also because of the time necessary to obtain accurate knowledge, and to secure that the best men available should act as chairmen of the Boards. No doubt with experience this matter of delays will be gradually remedied, as it is obviously to everyone's advantage that the recommendations of Boards should not be unduly postponed. At the same time I am not sure that any very great actual loss is sustained by either the one side or the other; the recommendations can be made to date back to the time when the application for a Board was first made, and frequently, judging from my own experience in this country as well as from what I learned in Canada, time proves a great healer. In any case this objection is capable of remedy, and, although often irritating enough, is not vital.

The fourth objection raises a point which, as far as I could gather, is made by both sides. Inasmuch as large numbers of employers and workmen are involved, it was to be expected that certain of them might take advantage of the period during which the investigation was being made to strengthen their position in view of the possibility of no settlement being reached; this, however, is, I believe, the exception, and is probably not altogether inseparable from negotiations of any kind. It cuts both ways, and with the growing acceptance of the spirit of the Act will, as a factor in the relative position, gradually, I believe, disappear. This difficulty had been anticipated, as the Act expressly forbids under penalties any exploitation of this character.

The next objection—that of the right of the parties themselves to settle their own differences—is one which, if the differences did not seriously affect others, might be maintained; but in highly civilized countries like Canada, where the interests of every section of the community are closely interlocked with those of other sections, and where the lack of smooth working of one section may seriously affect the welfare if not the lives of large numbers of people in other sections, it is idle to suppose that when a section cannot agree the others are obliged calmly to stand by until, by the process of exhaustion, one or other side—and that not necessarily the right side—gives way. I know that some employers and workmen advocate the policy of non-interference very strongly, and the Canadian Act so far accepts their view as to stipulate that 'to the best of the knowledge and belief of the declarant a lockout or strike will be declared,' though before the strike actually occurs interference must take place. Ample opportunity is, however, given the parties to settle their own differences, and it is only when a strike or lockout is considered to be the sole alternative that the Act becomes operative. Apart from this aspect it is by no means certain that the parties to a dispute are always best qualified to bring about a settlement. Occasionally feeling between the principals runs so high that calm consideration of the matter in dispute is impossible, and the services of a third party are a necessity. This must be evident to everyone with any knowledge of disputes, whether industrial, commercial, or indeed of any kind.

Another point of objection was the alleged refusal to grant Boards by those responsible for the administration of the Act, and the possible legal position of the parties in the event of such refusal. No doubt good debating points could be made out of this and other minor difficulties. The Act stipulates that no cessation of work shall take place unless certain conditions have been fulfilled. The fulfilment of some of these conditions, such as the appointment of a Board, does not rest with the party making the application, and the question arises whether, in the event of a Board not being appointed, the party is free from the restrictions of the Act. In actual practice where such a case arises there is little danger of a stoppage taking place, but if it was to take place and a technical infringement of the Act committed, the consequences from the legal point of view would not, it may be assumed, be very serious.

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From my investigations I concluded that the tendency in regard to the appointment of Boards had been, if anything, rather on the side of granting Boards too freely.

Another objection was the alleged partisan character of some of the Boards; this objection it was impossible to investigate, but probably the best answer is that a large number of the recommendations were unanimous, the findings being endorsed by the chairman, the employers' and the workmen's representatives alike. The complaints as to partisanship were mutual, coming both from the employers' and the workmen's side, and it may be taken, therefore, that the Boards as a whole have pursued a fairly independent course. Under the Act it is open to each side to appoint an avowed partisan as their representative on the Board, and the contrary procedure has not always been followed.

Probably the most serious objection was in relation to certain decisions given in the law courts, which made it illegal to assist in any way men engaged in an illegal strike; these decisions have been seized upon by opponents of the Act and made the most of, and in particular a decision in Nova Scotia, to which allusion is particularly made in the resolution of the Calgary and Guelph Congresses. Mr. J. G. O'Donoghue, the able representative of the men's side on several Boards, argues that the 'decision plainly determines that giving food to a hungry striker is an offence under the Act. It means that if men go on strike contrary to the provisions of the Act an ordinary benefit concert could not be held to provide funds to maintain them and their families without a breach of the Act. If a hungry striker asked you for a quarter (of a dollar) to buy breakfast and you gave it to him you could be punished under the Act. . . . Nothing more startling has occurred in Canada at any time, in so far as the effects upon trade unionists are concerned, than this decision.'

I agree that the effect of the decision has been considerable, but whether the judgment is so far-reaching as is suggested can best be judged by lawyers who examine the actual remarks of the learned Chief Justice. I append the decision as reported (*vide* App. D, p. 187). I understand that a private Bill is now being promoted in the House of Commons of Canada to amend section 60 of the Act by adding the words, 'Provided, however, that the paying, giving, or receiving of any benefits from a trade union to its members shall not be an offence under this section.'

With regard to the last point—the absence of methods of interpretation of decisions of the Boards—this is a matter which has been omitted from the Act, the Boards ceasing to exist after their decision has been given.

Generally the objections to the Act appeared to me to be either such as would disappear as the Act became better understood, or could be remedied by some amendment of the Act without altering its main principles.

In contradistinction to these criticisms, I found a strong and healthy body of approval from many trade union officials who have had large experience of the Act. The railway unions have already been mentioned, and no less enthusiastic were the miners of Nova Scotia, who were organized in the Provincial Workers' Association. The miners of this part of the country have unfortunately been engaged in a long internecine struggle resulting from a conflict between two trade unions—the Provincial Workers' Association and the United Mine Workers of America—which cater for the same class of workers, a condition of affairs which does not help towards the peaceful settlement of differences between employers and their workmen.

The supporters of the Act appeared determined to hold to it, and pointed out that, as the opponents placed no value upon public opinion, the Act was no real hindrance to their methods of securing better conditions, while it was of great value to those who supported it. One official, in the debate at the Guelph Congress, asserted that his union was responsible for ten Boards having been established and, while dissatisfied with some of the results, had on the whole found the Act of great benefit.

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THE ATTITUDE OF EMPLOYERS AND GENERAL PUBLIC IN CANADA.

With the exception of one employer, who was averse to any interference, and anxious to fight out any differences which might arise between himself and his employees, I found the many employers whom I interviewed generally favourable to the Act, certainly to its principle and policy. Many expressed themselves as being willing to accept any tribunal which promised a fair and impartial consideration of industrial differences, and pronounced the Industrial Disputes Investigation Act as being the best that had been devised. Others stated that the Act did not go far enough, but agreed with it so far as it did go.

There can be no doubt that for some time after the Act was passed some employers objected to the action of the Government. The objection may have been due to various reasons, but I think mainly to the distrust frequently felt to any interference by Government action in industrial matters. This distrust has, so far as I could judge, almost entirely disappeared, and some of the strongest opponents of the Act, particularly among the railway employers, have been convinced of its value. I was afforded good opportunities for ascertaining the views of many railway officials, and found that they, and employers generally, had a high opinion of the moral weight of the findings of the Conciliation Boards, and generally of the usefulness of the Act.

The public men with whom I discussed the Act were practically, without exception, favourable to it, and thought that it might be extended with advantage to other trades. They particularly emphasized the advantages of the conciliatory work effected under the Act, and the value of the mutual understanding which had been in many instances obtained by means of it.

While the attitude of employers was thus generally favourable to the principle of the Act, some of them formulated criticisms upon it, mainly to the following effect:—

- (1.) That the recommendations of Boards should be fully brought before the men for their consideration;
- (2.) That partisans should not be appointed to the Boards;
- (3.) That penalties should be enforced by the Government;
- (4.) That unions should be incorporated, and be responsible for penalties or damages; and
- (5.) That there should be a method of interpretation of recommendations and settlements.

The first point was raised in consequence of the feeling that men who had not heard the arguments, or who possibly had not seen the recommendations, had only an opportunity of deciding for acceptance or rejection upon the statements of partisans, which it was alleged were occasionally misleading. The suggestion was made that the Government should make a statement of the facts, should publish the recommendations, and continue to act until they had ascertained the true feeling of those affected with respect to the recommendations.

On the second point, to which reference has been made under the heading of objections by the men, opinions differ whether it is advisable for each side to appoint men who are frankly partisans, but who have the advantage of knowing the ins and outs of the case and of the trade, or to appoint impartial men, more or less acquainted with the views of each side, but prepared to act as arbitrators and not as advocates, without leaving the whole decision to the umpire. There appears to be a tendency to pursue the latter course, which, in this country at least, has generally been found to be the most suitable.

On the third point the Government have taken the line that the infliction of penalties should be left to the parties, as they would be in a case of trespass, and that it would be difficult for the Government to treat a lockout or a strike as if it were a

crime. On the other hand the penalties can seldom be exacted by the parties with any advantage, as, if the proposals are accepted, a settlement is reached, and it is undesirable to raise bad feeling after a settlement. In addition, it is almost useless for employers to demand money from their own men, who may have been asking for higher wages on the ground that they have not enough money, or who have to be employed by the very persons who would be endeavouring to exact penalties from them. Attempts to penalize officials of the union would be likely to have, and in fact have had, the effect of causing unnecessary labour resentment against the Act, and of adding to the popularity of the officials upon whom punishment is proposed to be inflicted, without acting in any sense as a deterrent for the future.

The fourth point would entail important alterations in the laws affecting trade unions.

On the fifth point, I have already pointed out that the Act does not provide methods of interpretation.

DIFFERENCES BETWEEN CANADA AND GREAT BRITAIN.

In considering the working of the Act, no one could properly shut their eyes to special factors existing in Canada. Among these might be cited the international relations of some of the unions with the unions of the United States of America, where divisions of the same union are not subject to the terms of the Lemieux Act. Railway unions, for instance, are in that country subject to the terms of the Erdmann Act, the provisions of which are different. Further, Canada has in its mining industry large numbers of foreigners (Belgians, Poles, Italians, etc.), and the staple industries of different divisions of Canada are either dissimilar or do not include so many work-people, or are not confined within so small an area as in Great Britain.

But, apart from these and other divergencies, the relative strength of which it would not be easy to estimate, it appears to me that the two most divergent features between this country and Canada, in making a comparison with a view to estimating the suitability of such an Act, are:—

- (1.) The immense distances in Canada.
- (2.) The much larger number of disputes in this country.

The compact nature of the industries here as compared with Canada would greatly simplify the administration of the Act. On the other hand, the comparatively small number of disputes in Canada makes it possible to deal with them with very much greater ease than would be possible here.

The following table shows the number of cases dealt with under the ‘Lemieux Act’ in the principal industries affected by the Act, and the number of strikes and lockouts occurring in similar industries in this country during the five years 1907-11. (The figures for Canada relate to the five years from March, 1907, to March, 1912. Those for the United Kingdom are for the five calendar years, 1907-11):—

	Canada.	United Kingdom.
Mining, etc.	47*	867†
Transport.	70	187

These figures show an average in Canada of 23 disputes per annum in these trades dealt with under the Act, and an average in this country of 211 which would have come under the Act had it been in force here.

To bring more than 200 disputes under the operation of such an Act in this country would mean a very extended Government department with a large supply of conciliators always available to act as members of Boards.

* Mines and smelters. † Mining and quarrying.

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The divergencies generally, allowing for the larger numbers involved in some of the disputes which occur in this country, are not so vital as to create great difference in the type of labour disputes in the United Kingdom and the various provinces of Canada.

SUITABILITY OF THE ACT TO THIS COUNTRY AND CONCLUSIONS.

It will have been gathered from the preceding explanation of the working of the Act that where it was frankly accepted as a means of preventing disputes it has worked extremely well, but where, for reasons, some apparent and others which can only be guessed at, its introduction has been resented, it has not succeeded to the same extent. In such latter cases where, by the imposition of penalties, efforts have been made to enforce the Act the results have not been satisfactory.

The question then arises, what is the real value of the Act, and can any points in the Act be suitably adapted to this country? Is the restriction upon the right of proclaiming a lockout or strike so much of the essence of the Act as to make the Act of no effect if such restrictions were not compulsory? And do the penalties which are proposed to be enforced for breach of the restrictions of the Act add to its value?

In my opinion the real value of the Act does not lie in either of these propositions, and certainly not in the second. The pith of the Act lies in permitting the parties and the public to obtain full knowledge of the real cause of the dispute, and in causing suggestions to be made as impartially as possible on the basis of such knowledge for dealing with the existing difficulties, whether a strike or lockout has commenced or not. This action on behalf of the public allows an element of calm judgment to be introduced into the dispute which, at the time, the parties themselves may be unable to exercise.

It is claimed, and the claim is backed up by statistics, that the restrictions upon a strike or lockout prior to such a judgment have been of great assistance in causing a calm discussion or investigation at an early date. If the power of giving such judgment had existed without the restrictions, and if the various trades affected had been gradually educated to see the advantage of discussion prior to a dispute and had had the means by and through which such discussion could take place, it may be that practically similar results would have been obtained, without the difficulty of having a law, the complete enforcement of which is almost impracticable, and which, while it has been accepted in cases where education has existed, has been found very difficult in cases where the law is resented and joint consent has not been in being.

The conditions under which such judgment may be exercised continually occur in strikes or lockouts, and are well shown by the remarks of Mr. Mackenzie King upon a mining dispute where the men were off work contrary to the provisions of the Act. Although the parties in this case came to a settlement prior to the sitting of a Board, his description serves to illustrate the conditions under which discussion, investigation, and recommendation may be advisable, and were in fact brought into use by Mr. Mackenzie King himself. Concerning this dispute he says:—

‘A mistrust by each of the parties of the good faith and purpose of the other, which in part was the outcome of differences of months previous, and which happenings in recent negotiations had only served to accentuate, lay at the root of the whole matter. This lack of faith in each other’s sincerity found its strongest expression in the suspicion with which the principals of the respective sides viewed the purposes and actions of each other.

‘Had suspicion and personalities not played so large a part in the negotiations between the parties, an agreement might, I believe, have been arrived at without any cessation of mining operations or the appointment of any Board

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of Conciliation and Investigation. When I reached Fernie and began looking into the causes of the dispute, it seemed to me that suspicion was present everywhere, that passion and prejudice were outdoing argument, and that mistrust had supplanted reason. Each side had become suspicious of the other, to the extent that the slightest degree of confidence no longer existed between them. Each was seeking in the action of the other evidences of sharp practice which might strengthen the barriers already holding them apart, rather than the existence of motives or actions which might serve as avenues of approach. I was fortunately in the position of being able to see both sides of the question from the points of view of the respective parties, and was thus enabled to secure a consideration of the matters involved upon their merits, without permitting the real issue to be lost sight of through prejudices and antipathies purely personal such as an industrial conflict is apt to engender. My endeavour was directed wholly towards restoring confidence between the parties. . . .

‘This confidence and mutual trust both the operators and labour leaders should do all in their power to cultivate. The value of any agreement will depend upon the spirit which underlies the intentions of the parties.’

I agree with Mr. Mackenzie King’s statements as aptly describing a condition of affairs in strikes and lockouts which is not unknown in this country, and I think that it might be feasible in the United Kingdom, with advantage both to employers and employed, to give opportunity for such investigation and recommendation as would bring into light the real causes of difficulties, and create in the public mind and in the minds of employers and employed the opinion that when opportunity exists by law such opportunity should be taken advantage of, and that strikes and lockouts ought not to be commenced, and certainly not supported by ‘sympathetic’ strikes, while such investigation and recommendation are pending. Investigation and recommendation would not be necessary in all cases, and could well be confined, at any rate in the first instance, to cases in which the public were likely to be seriously affected.

From the point of view of the public the advantage of such a course is obvious. The public have no use for strikes or lockouts, and such a course might reasonably be expected to lessen their number. While the public might often have much difficulty in bringing opinion to bear in favour of acceptance or rejection of technical decisions, which in many trades it would be impossible for persons who had not examined the question to understand, their support to the principle that the ordeal of battle should give place to reasonable judgment would probably be emphatic and frequently effective.

From the point of view of the employers such a course need not interfere with the administrative details of business or discipline, but should give better opportunity for regular and consecutive business by reducing the number of strikes, by bringing strikes to an earlier conclusion, and by the powerful effect which I am convinced would result in the direction of rendering unnecessary and ineffective the progress of those sympathetic strikes by which employers having no quarrel with their own workmen are now so frequently disturbed.

Further, at the present day when business is becoming so huge and complicated, the redress of grievances becomes more and more difficult by reason of the absence of the ‘personal touch’ in the conduct of many businesses. Consequently, in the interest of such businesses, as well as in the interest of other trades which are becoming closely affected by a disturbance in any connected trade, or even in trades in the same town or district, it becomes more and more necessary to clear the issues and to go down, even at a late stage, to the actual source from which the trouble has arisen.

From the point of view of the employees such a course would enable them to bring forward valid grievances with some opportunity of their being heard, and afford that chance of discussion, or of opening the way towards discussion, which is so often found

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by the workpeople to be impracticable either in fact or in belief. Everyone who has had any experience of strikes or lockouts knows how very often the main difficulty consists in bringing the parties together, or even if the parties do not meet, in examining the case of each party. Neither is there any express power of making recommendations nor of informing the public on the rights and wrongs of the dispute.

If such opportunity did exist it may be expected that a large number of trade unions would be quite willing voluntarily to afford time for investigation and recommendation, and, as I have previously said, an atmosphere would be created in which the voluntary granting of time would be deemed to be a proper course to pursue. Workpeople themselves now frequently coming out in sympathetic strike over disputes in which they have no primary concern would understand that such action was unnecessary prior to examination of the initial dispute, and workpeople forced to cease work because some allied section, necessary to the conduct of the business, was not continuing work would be likely to exercise their influence in favour of examination before a cessation of work involving innocent persons should take place.

Discussion with men who have been practically connected with the Boards in Canada only endorsed the view that personal experience in this country has given. I found that in the opinion of several of those who had acted as members of Boards, the surest method of securing settlements was by the power given by the Act of conciliating the parties, and, if conciliation did not avail, of making recommendations. One chairman, Professor Adam Shortt, so successfully adopted this method that in the twelve or fourteen cases with which he was connected settlements were reached in every instance by agreement.

The Act has been marked by success where the policy followed by Professor Shortt has been adopted.

I consider that the forwarding of the spirit and intent of conciliation is the more valuable portion of the Canadian Act, and that an Act on these lines, even if the restrictive features which aim at delaying stoppage until after inquiry were omitted, would be suitable and practicable in this country. Such an Act need not necessarily be applied in all cases, but neither need it be confined to services of public utility. It could be generally available in cases where the public were likely to be seriously affected. Without the restrictive features it would give the right not only to conciliate but fully to investigate the matters in dispute, with similar powers in regard to witnesses, production of documents and inspection, as are vested in a court of record in civil cases, with a view, if conciliation fails, to recommendations being made as to what are believed to be fair terms.

Such an Act, while not ensuring complete absence of strikes and lockouts, would be valuable, in my opinion, alike to the country and to employers and employed.

APPENDICES.

(Appendix A consists of the text of the Industrial Disputes Investigation Act, 1907, as amended in 1909-10, and is omitted at this point. The text of the statute and amending statute will be found in the final section of the present publication.)

APPENDIX B.

63-64 VICTORIA, CHAP. 24.

An Act to aid in the Prevention and Settlement of Trade Disputes, and to provide for the publication of Statistical Industrial Information.

[Assented to 18th July, 1900.]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as 'The Conciliation Act, 1900.'

2. In this Act, unless the context otherwise requires, the expression 'Minister' means the member of Her Majesty's Privy Council for Canada to whom, for the time being, the Governor in Council may assign the carrying out of the provisions of this Act.

3. Any Board established either before or after the passing of this Act, which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers and workmen to deal with such disputes (in this Act referred to as a Conciliation Board) may apply to the Minister for registration under this Act.

(2.) The application must be accompanied by copies of the constitution, by-laws and regulations of the Conciliation Board, with such other information as the Minister may reasonably require.

(3.) The Minister shall keep a register of Conciliation Boards, and enter therein with respect to each registered Board its name and principal office, and such other particulars as he thinks expedient; and any registered Conciliation Board shall be entitled to have its name removed from the register on sending to the Minister a written application to that effect.

(4.) Every registered Conciliation Board shall furnish such returns, reports of its proceedings, and other documents as the Minister may reasonably require.

(5.) The Minister may, on being satisfied that a registered Conciliation Board has ceased to exist or to act, remove its name from the register.

4. Where a difference exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the Minister may, if he thinks fit, exercise all or any of the following powers, namely:—

(a.) Inquire into the causes and circumstances of the difference;

(b.) Take such steps as to him seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives under the presidency of a chairman mutually agreed upon or nominated by him or by some other person or body, with a view to the amicable settlement of the difference;

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(c.) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as Conciliator or as a Board of Conciliation;

(d.) On the application of both parties to the difference, appoint an Arbitrator or Arbitrators.

(2.) If any person is so appointed to act as conciliator, he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and shall report his proceedings to the Minister.

(3.) If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Minister.

5. It shall be the duty of the conciliator to promote conditions favourable to a settlement by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to strikes or lockouts.

6. The conciliator or Conciliation Board may, when deemed advisable, invite others to assist them in the work of conciliation.

7. If, before a settlement is effected, and while the difference is under the consideration of a conciliator or Conciliation Board, such conciliator or Conciliation Board is of opinion that some misunderstanding or disagreement appears to exist between the parties as to the causes or circumstances of the difference, and, with a view to the removal of such misunderstanding or disagreement, desires an inquiry under oath into such causes and circumstances, and, in writing signed by such conciliator or the members of the Conciliation Board, as the case may be, communicates to the Minister such desire for inquiry, and if the parties to the difference or their representatives in writing consent thereto, then, on his recommendation, the Governor in Council may appoint such conciliator or members of the Conciliation Board, or some other person or persons, a commissioner or commissioners, as the case may be, under the provisions of the *Act respecting inquiries concerning public matters*, to conduct such inquiry, and, for that purpose, may confer upon him or them the powers which under the said Act may be conferred upon commissioners.

8. Proceedings before any Conciliation or Arbitration Board shall be conducted in accordance with the regulations of such Conciliation or Arbitration Board, as the case may be, or as is agreed upon by the parties to the difference or dispute.

9. If it appears to the Minister that in any district or trade adequate means do not exist for having disputes submitted to a Conciliation Board for the district or trade, he may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with the employers and employed, and, if he thinks fit, with any local authority or body, as to the expediency of establishing a Conciliation Board for such district or trade.

10. With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a Department of Labour, which shall collect, digest, and publish in a suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the *Labour Gazette*, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister.

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11. The expenses incurred in the carrying out of this Act shall be defrayed out of the moneys provided for the purpose by Parliament.

12. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor-General, and shall be laid before Parliament within the first fifteen days of each session thereof.

APPENDIX C.

3 EDWARD VII., CHAP. 55.

An Act to aid in the settlement of Railway Labour Disputes.

[Assented to 10th July, 1903.]

Whereas from time to time differences may arise between railway companies and their employees which the parties thereto failing to adjust, may result in lockouts and strikes; and whereas railway lockouts and strikes may interfere with the proper and efficient transportation of mails, passengers and freight, interrupt the trade and commerce of the country, cause railways to fall into disrepair to the danger of the lives of passengers and employees, and in various other ways occasion serious injury both public and private; and whereas it is desirable to aid in the settlement of such differences: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as ‘The Railway Labour Disputes Act, 1903.’

2. In this Act, unless the context otherwise requires—

(a.) The expression ‘Minister’ means the Minister of Labour;

(b.) The expression ‘department’ means the Department of Labour;

(c.) The expression ‘railway’ means any railway whether operated by steam, electricity, or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(d.) The expression ‘railway employers’ means any company or government owning or operating wholly or to a lesser extent any railway operated by steam, electricity, or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(e.) The expression ‘railway employee’ means any person engaged to perform any work or service in respect of any railway, whether operated by steam, electricity, or other motive power, and whether under the jurisdiction of the Parliament of Canada or of the legislature of any province;

(f.) The expression ‘difference’ means any dispute, disagreement, or dissension which in the opinion of the Minister may have caused or may cause a lock-out or strike on a railway, or which has interfered or may interfere with the proper and efficient transportation of mails, passengers, or freight, or the safety of persons employed upon any car or train;

(g.) The expression ‘committee’ means the Committee of Conciliation, Mediation and Investigation established under the provisions of this Act.

(h.) The expression ‘Board’ means the Board of Arbitrators established under the provisions of this Act.

3. Whenever a difference exists between any railway employers and railway employees, and it appears to the Minister that the parties thereto are unable satisfactorily to adjust the same, and that by reason of such difference remaining unadjusted a railway lockout or strike has been or is likely to be caused, or the regular and safe transportation of mails, passengers, or freight has been or may be interrupted, or the safety of any person employed on a railway train or car has been or is likely to be endangered, the Minister may either on the application of any party to the difference, or on the application of the corporation of any municipality directly

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affected by the difference, or of his own motion, cause inquiry to be made into the same and the cause thereof, and for that purpose may, under his hand and seal of office, establish a Committee of Conciliation, Mediation, and Investigation to be composed of three persons to be named, one by the railway employers, and one by the railway employees, (parties to the difference) and the third by the two so named or by the parties to the difference in case they can agree. The Minister shall in writing notify each party to name a member of said committee, stating in such notice a time not being later than five days after the receipt of such notice within which this is to be done, and if either party within such time or any extension thereof that the Minister, on cause shown, may grant, refuse, or fail to name a member of said committee the Minister or the Lieutenant-Governor in Council, as the case may be, as hereinafter provided, may appoint one in the place of the party so refusing, or in default, and if the members of said committee so chosen fail to select a third member, the Minister or the Lieutenant-Governor in Council, as the case may be, may make such selection.

4. It shall be the duty of the Conciliation Committee to endeavour by conciliation and mediation to assist in bringing about an amicable settlement of the difference to the satisfaction of both parties, and to report its proceedings to the Minister.

5. In case the Conciliation Committee is unable to effect an amicable settlement by conciliation or mediation, the Minister may refer the difference to arbitration under the provisions of this Act.

(a.) If acceptable to both parties, the Conciliation Committee may act as a Board of Arbitrators.

(b.) In case of objection by either party to its representative on the Conciliation Committee acting as a member of the Board of Arbitrators, or to the chairman of said Conciliation Committee being a member of the Board of Arbitrators, new representatives on the Board of Arbitrators shall be appointed, in place of the member or members of the Conciliation Committee objected to, in like manner as the original members of the Conciliation Committee were appointed.

The Board of Arbitrators so chosen shall be established by the Minister under his hand and seal of office.

6. If any member of said Committee or Board shall die, refuse, neglect, or become incapable to act, then whenever the same shall happen a successor shall be appointed in like manner as is above provided in respect of the original member of Committee or Board. Before such appointment the name of the person proposed to be appointed shall be submitted to both parties to the difference, and there shall be afforded to each of them an opportunity, within such time as the Minister may fix, of making known to the appointing authority whether such proposed appointee is objected to, it being intended that it shall be endeavoured to appoint only such person as shall not be reasonably objected to by either party.

7. In the event of the establishment of a Committee of Conciliation, Mediation, and Investigation, or of a Board of Arbitrators to deal with any differences between the Government of Canada in respect of the Intercolonial Railway and the Prince Edward Island Railway and any of its employees, the power to appoint conciliators or arbitrators, which otherwise in accordance with the foregoing provisions might be exercisable by the Minister, shall be exercisable either by the Lieutenant-Governor in Council of the province of Quebec, of New Brunswick, of Nova Scotia, or of Prince Edward Island (in this Act called the Lieutenant-Governor in Council), as the Minister shall for that purpose in each case of conciliation or arbitration in writing name.

8. The third member of the said Committee or Board shall be the chairman.

9. In case of arbitration pursuant to the provision hereinbefore contained the findings and recommendations of the majority shall be those of the Board. In case

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of the absence of any one arbitrator from a meeting of the Board, the other two arbitrators shall not proceed unless it be shown that the third arbitrator has been notified of the meeting in ample time to admit of his attendance.

10. Forthwith after the appointment of the Board the Chairman shall promptly convene the same, and the Board shall in such manner as it thinks advisable make thorough, careful, and expeditious inquiry into all the facts and circumstances connected with the difference and the cause thereof, and shall consider what would be reasonable and proper to be done by both or either of the parties with a view to putting an end to the difference and to preventing its recurrence, and shall with all reasonable speed make to the Minister a written report setting forth the various proceedings and steps taken by the Board for the purpose of fully and correctly ascertaining all the facts and circumstances, and also setting forth said facts and circumstances, and its findings therefrom, including the cause of the difference and the Board's recommendations with a view to its removal and the prevention of its recurrence.

11. The Minister shall forthwith cause the report to be filed in the office of the department, and a copy thereof to be sent free of charge to each party to the difference and to any municipal corporation as aforesaid, and to the representative of any newspaper published in Canada who may apply therefor; any other person shall be entitled to a copy on payment of the actual cost thereof.

12. For the information of Parliament and the public the report shall without delay be published in the *Labour Gazette* and be included in the annual report of the Department of Labour to the Governor-General.

13. For the purpose of such inquiry the Board shall have all the power of summoning before it any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and produce such documents and things as the Board deems requisite to the full investigation of the matters into which it is inquiring, and shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

14. On the application of any of the parties, or on its own motion, the Board may issue summonses to such persons as the Board may think necessary to give evidence in the case, and any witness summoned by the Board shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board, and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

15. The summons shall be in such form as the Minister shall prescribe, and may require such person to produce before the Board any books, papers, or other documents in his possession or under his control, in any way relating to the proceedings.

16. All books, papers, and other documents, produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such of the parties as the Board allows; but the information obtained therefrom shall not be made public, and such parts of the books, papers, and documents as, in the opinion of the Board, do not relate to the matter at issue, may be sealed up.

17. The department will pay to each member of a Conciliation Committee or Board of Arbitration his actual travelling expenses, and also to each of them other than the chairman, ten dollars per day for each day that he shall attend a meeting of the Committee or Board or be engaged in travelling from or to his home (being in Canada) for the purpose of attending or after having attended a meeting of the Committee or Board. The department will pay to the chairman such sum as the Governor in Council deems reasonable. The department will also at its expense

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provide the Committee or Board with a stenographer, secretary, and any other clerical assistance that to the Minister may appear necessary for the efficient carrying out of the provisions of this Act.

18. The report of the Conciliation Committee and the report of the Board shall be signed by such of the members as concur therein, and may also be signed by a dissenting member.

19. No counsel or solicitor shall be entitled to appear before the Board except with the consent of all parties to the difference, and notwithstanding such consent, the Board may, if it deems it advisable, decline to allow counsel or solicitors to appear before it. The parties to the difference may appear in person or by agents.

20. No court of the Dominion of Canada or of any province or territory shall have or possess any power or jurisdiction to recognize or enforce or to receive in evidence any report of the said Board of Arbitrators or any report of the said Committee of Conciliation, or any testimony or proceedings before either the said Board or Committee as against any party or person or for any purpose whatsoever, except in case of prosecution for perjury.

21. Where the difference which is being inquired into affects a class of employees, it shall not be necessary for them all to take part in the inquiry, but the class may be represented by a limited number chosen by a majority or by agents other than counsel or solicitor.

22. If in any proceedings before the Board any person wilfully insults any member of the Board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any unlawful contempt in the face of the Board, it shall be lawful for any member of the Board or constable to take the person offending into custody and remove him from the precincts of the Board and retain him in custody until the rising of the Board.

23. It shall be in the discretion of the Board to conduct its proceedings in public or in private.

24. The Minister may from time to time make, alter, and amend regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable in order to the effectual working of the several provisions of this Act.

APPENDIX D.

The King v. Neilson. Before Townshend, C.J., and Meagher, Russell, Longley, Drysdale, and Laurence, J.J.

This was a case stated for the opinion of the court by Frank A. McEchen, Esq., stipendiary magistrate in and for the town of Inverness, to determine the validity of a conviction made against defendant for a violation of 'The Industrial Disputes Investigation Act, 1907,' Statutes of Canada, 1907, cap. 20. sec. 60.

1910, November 26.—Townshend, C.J., read the judgment of the court:—

'This is a stated case sent up to this court by the stipendiary magistrate for the town of Inverness. It appears that the case was tried under the provisions of Part XV. of the Criminal Code relating to summary convictions.

'The defendant, David Neilson, was, on the 26th day of October, 1909, convicted of having unlawfully aided Francis Morien, an employee of the Inverness Railway and Coal Company, to continue on strike by gratuitously providing him with means to procure groceries and other goods contrary to the provisions of "The Industrial Disputes Investigation Act, 1907," the said strike being on account of a dispute within the meaning of the Act between the said company and its employees in said town, the

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said Act being prior to a reference of said dispute to a Board of Conciliation and Investigation under said Act, the Inverness Railway and Coal Company being an employer and Francis Morien an employee within the meaning of the Act.

‘Several grounds have been suggested in the case sent up showing that the conviction is illegal, but it is only necessary to deal with those presented at the argument.

‘It is contended that supplying provisions to a striker is not giving aid within the meaning of section 60, chapter 20; that the aid must be given with intent to assist the employee to continue on strike, and that this is not proved by merely giving him food or clothing.

‘The magistrate finds as facts that the accused represented the United Mine Workers of America; that he was giving merchants cheques for goods supplied employees of company on his order as such agent; that there was a dispute within the meaning of the Act between the company and the men; and that the men, including Morien, went on strike in consequence of this dispute, and continued on strike; and that these men were induced to cease working by the head officials of the United Mine Workers of America.

‘It is difficult to conceive any more effectual means of aiding strikers than those found in the present case. It is, of course, precisely the aid wanted to enable the strikers to live during the pendency of the strike, and it hardly needs comment to show that the defendant as an agent of the United Mine Workers of America so gave the aid with the express and sole purpose of enabling the strikers to stay out until their demands were complied with. I have no doubt, however, the offence in this respect has been completely proved.

‘Then it was contended that it was not such a dispute as was contemplated by the Act. The dispute arose in consequence of a deduction of a certain amount from the wages of the employees, and as the case states:—

“And the discharge of five Belgians in consequence of their refusal to pay the said dues; that their committee threatened, unless their demands were granted, ‘to go out on strike’—‘to tie up the mine,’ and that 300 men went out on strike on the 9th day of July, 1909.”

‘Again, I may say, if this was not a dispute within the meaning of the Act, I should find a difficulty in defining what was. That Morien was one of the strikers who combined with the others is, I think, very clearly apparent in the case stated.

‘Then it is said that Morien was not an employee when the assistance was given, because he had gone out on strike some time previously, but it will be noted that he was not dismissed by the company, and that it was open to him to return to work if he chose. If such an argument could prevail, then all men who go on a strike would cease to be employees, then the Act would be useless.

‘The magistrate finds as a fact that said Francis Morien went out on a strike with other employees on the 9th July, 1909, and was an employee of the said Inverness Railway and Coal Company at the time, and as such employee continued on strike up to and including the date of the laying of the information.

‘I think his finding was right, and that Morien was and remained an employee of the company in the same way as all others who went on strike with an avowed purpose of compelling the company to comply with their demands.

‘An objection was made, but not very seriously urged, that the stipendiary acted without jurisdiction, because he did not take evidence when the information was laid, as required by section 655 of the Criminal Code, as amended by chapter 9, Acts of 1909. But, as pointed out by counsel for the prosecution, that section does not apply to prosecutions under summary convictions, it is only applicable to charges of indictable offences. Section 710, Code.

‘What I have said, I think, deals with all matters in the stated case, and I am of opinion that the conviction should be affirmed with costs.

‘The same result will follow in the second conviction.’

Conviction affirmed.

INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907

WITH AMENDING ACT, 1909-10

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6-7 EDWARD VII., CHAP. 20.

An Act to aid in the Prevention and Settlement of Strikes and Lockouts in Mines and Industries connected with Public Utilities.

[Assented to 22nd March, 1907.]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as *The Industrial Disputes Investigation Act, 1907*.

PRELIMINARY.

Interpretation.

2. In this Act, unless the context otherwise requires—

(a) 'Minister' means the Minister of Labour;

(b) 'department' means the Department of Labour;

(c) 'employer' means any person, company or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works;

(d) 'employee' means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this Act applies;

(e) 'dispute' or 'industrial dispute' means any dispute or difference between an employer and one or more of his employees, as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to—

(1) the wages allowance or other remuneration of employees, or the price paid or to be paid in respect of employment;

(2) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment;

(3) the employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons;

(4) claims on the part of an employer or any employee as to whether and, if so, under what circumstances, preference of employment should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens;

(5) materials supplied and alleged to be bad, unfit or unsuitable, or damage alleged to have been done to work;

(6) any established custom or usage, either generally or in the particular district affected;

(7) the interpretation of an agreement or a clause thereof;

(f) 'lockout' (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue

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to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment;

(g) 'strike' or 'to go on strike' (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees to continue to work for an employer, in consequence of a dispute, done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment;

(h) 'board' means a Board of Conciliation and Investigation established under the provisions of this Act;

(i) 'application' means an application for the appointment of a Board under the provisions of this Act;

(j) 'Registrar' means the Registrar of Boards of Conciliation and Investigation under this Act;

(k) 'prescribed' means prescribed by this Act, or by any rules or regulations made thereunder;

(l) 'trade union' or 'union' means any organization of employees formed for the purpose of regulating relations between employers and employees.

Administration.

3. The Minister of Labour shall have the general administration of this Act.

4. The Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties prescribed.

(2.) The office of Registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the Registrar may, if the Governor in Council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the Registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

Constitution of Boards.

5. Wherever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the Minister for the appointment of a Board of Conciliation and Investigation to which Board the dispute may be referred under the provisions of this Act: Provided, however, that, in the case of a dispute between a railway company and its employees, such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the Conciliation and Labour Act.

6. Whenever, under this Act, an application is made in due form for the appointment of a Board of Conciliation and Investigation, and such application does not relate to a dispute which is the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act, the Minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such Board under his hand and seal of office, if satisfied that the provisions of this Act apply.

7. Every Board shall consist of three members who shall be appointed by the Minister.

(2.) Of the three members of the Board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute), and the third on the recommendation of the members so chosen.

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8. For the purposes of appointment of the members of the Board, the following provisions shall apply:—

(1.) Each party to the dispute may, at the time of making application or within five days after being requested so to do by the Minister, recommend the name of one person who is willing and ready to act as a member of the Board, and the Minister shall appoint such person a member of the Board.

(2.) If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a member of the Board; and such member shall be deemed to be appointed on the recommendation of the said party.

(3.) The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the Board, and the Minister shall appoint such person a member of the Board.

(4) If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the Minister, on cause shown, grants, the Minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the Board, and such member shall be deemed to be appointed on the recommendation of the two other members of the Board.

(5.) The third member shall be the Chairman of the Board.

9. As soon as possible after the full Board has been appointed by the Minister, the Registrar shall notify the parties of the names of the members of the Board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

10. Every member of a Board shall hold office from the time of his appointment until the report of the Board is signed and transmitted to the Minister.

11. No person shall act as a member of a Board who has any direct pecuniary interest in the issue of a dispute referred to such Board.

12. Every vacancy in the membership of a Board shall be supplied in the same manner as in the case of the original appointment of every person appointed.

13. Before entering upon the exercise of the functions of their office the members of a Board, including the chairman, shall make oath or affirmation before a justice of the peace that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the Board.

14. The department may provide the Board with a secretary, stenographer, or such other clerical assistance as to the Minister appears necessary for the efficient carrying out of the provisions of this Act.

PROCEDURE FOR REFERENCE OF DISPUTES TO BOARDS.

15. For the purpose of determining the manner in which, and the persons by whom, an application for the appointment of a Board is to be made, the following provisions shall apply:—

(1.) The application shall be made in writing in the prescribed form, and shall be in substance a request to the Minister to appoint a Board to which the existing dispute may be referred under the provisions of this Act.

(2.) The application shall be accompanied by—

(a) A statement setting forth—

(1) the parties to the dispute;

(2) the nature and cause of the dispute, including any claims or demands made by either party upon the other, to which exception is taken;

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- (3) an approximate estimate of the number of persons affected or likely to be affected by the dispute;
- (4) the efforts made by the parties themselves to adjust the dispute;

and—

(b) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board of Conciliation and Investigation under the Act, to the best of the knowledge and belief of the declarant, a lock-out or strike, as the case may be, will be declared, and that the necessary authority to declare such lockout or strike has been obtained.

(3) The application may mention the name of a person who is willing and ready and desires to act as a member of the Board representing the party or parties making the application.

16. The application and the declaration accompanying it—

- (1) if made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;
- (2) if made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;
- (3) if made by employees, members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union, or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question;
- (4) if made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

17. Every application for the appointment of a Board shall be transmitted by post by registered letter addressed to the Registrar of Boards of Conciliation and Investigation, Department of Labour, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

18. In every case where an application is made for the appointment of a Board the party making application shall, at the time of transmitting it to the Registrar, also transmit by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a Board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the Registrar and to the party making the application.

20. Copies of applications or statements in reply thereto, to be transmitted to the other party under any of the preceding sections where the other party is—

- (1) an employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;
- (2) an employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;
- (3) composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

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(4) composed of employees some or all of whom are not members of a trade union,—

(a) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(b) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(c) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

FUNCTIONS, POWERS AND PROCEDURE OF BOARDS.

21. Any dispute may be referred to a Board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a Board under this Act in any case in which the employees affected by the dispute are fewer than ten.

22. Upon the appointment of the Board the Registrar shall forward to the chairman a copy of the application for the appointment of such Board, and of its accompanying statement and declaration, and of the statement in reply, and the Board shall forthwith proceed to deal with the matters referred to in these documents.

23. In every case where a dispute is duly referred to a Board it shall be the duty of the Board to endeavour to bring about a settlement of the dispute, and to this end the Board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right settlement thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the Board thinks reasonable to allow the parties to agree upon terms of settlement.

24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the Board, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the Board under section 62 of this Act, and a copy thereof with a report upon the proceedings shall be forwarded to the Minister.

25. If a settlement of the dispute is not arrived at during the course of its reference to the Board, the Board shall make a full report thereon to the Minister, which report shall set forth the various proceedings and steps taken by the Board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the Board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

26. The Board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the Board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the Board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

27. The Board's report and recommendation shall be made to the Minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the Registrar as soon as practicable after the reference of the dispute to the Board; and in the same manner a minority report may be made by any dissenting member of the Board.

28. Upon receipt of the Board's report the Minister shall forthwith cause the report to be filed in the office of the Registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the Minister may distribute copies of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing a compliance with the Board's recommendation. The Registrar shall, upon application, supply certified copies for a prescribed fee, to persons other than those mentioned in this section.

29. For the information of Parliament and the public, the report and recommendation of the Board, and any minority report, shall, without delay, be published in the *Labour Gazette*, and be included in the annual report of the Department of Labour to the Governor General.

30. For the purpose of its inquiry the Board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters, and to produce such books, papers or other documents or things as the Board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

(2.) Any member of the Board may administer an oath, and the Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

31. The summons shall be in the prescribed form, and may require any person to produce before the Board any books, papers or other documents or things in his possession or under his control in any way relating to the proceedings.

32. All books, papers and other documents or things produced before the Board, whether voluntarily or in pursuance to summons, may be inspected by the Board, and also by such parties as the Board allows; but the information obtained therefrom shall not, except in so far as the Board deems it expedient, be made public, and such parts of the books, papers or other documents as in the opinion of the Board do not relate to the matter at issue may be sealed up.

33. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

34. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.

35. Where a reference has been made to the Board of a dispute between a railway company and its employees, any witness summoned by the Board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the Board and thereafter returning to his home, and the Board shall furnish to such witness a proper certificate evidencing his right to such free transportation.

36. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable travelling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

37. If, in any proceedings before the Board, any person wilfully insults any member of the Board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the Board, any officer of the Board or any constable may take the person offending into custody and remove him from the precincts of the Board, to be detained in custody until the rising of the Board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars.

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38. The Board, or any member thereof, and, on being authorized in writing by the Board, any other person, may, without any other warrant than this Act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the Board, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the Board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding one hundred dollars.

39. Any party to a reference may be represented before the Board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided.

40. Every party appearing by a representative shall be bound by the acts of such representative.

41. No counsel or solicitor shall be entitled to appear or be heard before the Board, except with the consent of the parties to the dispute, and notwithstanding such consent the Board may decline to allow counsel or solicitors to appear.

42. Persons other than British subjects shall not be allowed to act as members of a Board.

43. If, without good cause shown, any party to proceedings before the Board fails to attend or to be represented, the Board may proceed as if he had duly attended or had been represented.

44. The sittings of the Board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the Board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: Provided that, so far as practicable, the Board shall sit in the locality within which the subject matter of the proceeding before it arose.

45. The proceedings of the Board shall be conducted in public; provided that at any such proceedings before it, the Board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the Board and the witnesses under examination shall withdraw.

46. The decision of a majority of the members present at a sitting of the Board shall be the decision of the Board, and the findings and recommendations of the majority of its members shall be those of the Board.

47. The presence of the chairman and at least one other member of the Board shall be necessary to constitute a sitting of the Board.

48. In case of the absence of any one member from a meeting of the Board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

(2) If any member of a Board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the Board.

49. The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

50. The Board may, with the consent of the Minister, employ competent experts or assessors to examine the books or official reports of either party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

Remuneration and Expenses of Board.

51. The members of a Board while engaged in the adjustment of a dispute shall be remunerated for their services as follows:—

(a) to members other than the chairman—

(i) an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

(ii) an allowance of fifteen dollars for each whole day's sittings of the Board;

(iii) an allowance of seven dollars for each half day's sittings of the Board;

(b) the chairman shall be allowed twenty dollars a day for each whole day's sittings of the Board, and ten dollars a day for each half-day's sittings;

(c) no allowance shall be made to any member of the Board on account of any sitting of the Board which does not extend over a half day, unless it is shown to the satisfaction of the Minister that such meeting of the Board was necessary to the performance of its duties as speedily as possible, and that the causes which prevented a half-day's sitting of the Board were beyond its control.

52. No member of the Board shall accept in addition to his salary as a member of the Board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the Board in accordance with the provisions of this Act. The accepting of such perquisite or gratuity by any member of the Board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

53. Each member of the Board will be entitled to his actual necessary travelling expenses for each day that he is engaged in travelling from or to his place of residence for the purpose of attending or after having attended a meeting of the Board.

54. All expenses of the Board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this Act, salaries of employees and agents and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Board, which vouchers shall be forwarded by the chairman to the Minister. The chairman shall also forward to the Minister a certified and detailed statement of the sittings of the Board, and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

55. It shall be the duty of the Registrar:—

(a) to receive and register, and, subject to the provisions of this Act, to deal with all applications by employers or employees for a reference of any dispute to a Board, and to at once bring to the Minister's attention every such application;

(b) to conduct such correspondence with the parties and members of Boards as may be necessary to constitute any Board as speedily as possible in accordance with the provisions of this Act;

(c) to receive and file all reports and recommendations of Boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the Boards, in accordance with the provisions of this Act;

(d) to keep a register in which shall be entered the particulars of all applications, references, reports and recommendations relating to the appointment of a Board, and its proceedings; and to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the Board, and, when so required, transmit all or any of such to the Minister;

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(e) to supply to any parties, on request, information as to this Act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the Board with necessary blank forms, forms of summons or other papers or documents required in connection with the effective carrying out of the provisions of this Act;

(f) generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this Act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a Board of Conciliation and Investigation under the provisions of this Act, or prior to or during a reference under the provisions concerning railway disputes in the Conciliation and Labour Act: Provided that nothing in this Act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike: Provided also that, except where the parties have entered into an agreement under section 62 of this Act, nothing in this Act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a Board and which has been dealt with under section 24 or 25 of this Act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the Conciliation and Labour Act.

57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board, neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute, or anything arising out of the dispute; but if, in the opinion of the Board, either party uses this or any other provision of this Act for the purpose of unjustly maintaining a given condition of affairs through delay, and the Board so reports to the Minister, such party shall be guilty of an offence, and liable to the same penalties as are imposed for a violation of the next preceding section.

58. Any employer declaring or causing a lockout contrary to the provisions of this Act shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars for each day or part of a day that such lockout exists.

59. Any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than ten dollars nor more than fifty dollars, for each day or part of a day that such employee is on strike.

60. Any person who incites, encourages or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than fifty dollars nor more than one thousand dollars.

61. The procedure for enforcing penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part XV of *The Criminal Code* relating to summary convictions.

SPECIAL PROVISIONS.

62. Either party to a dispute which may be referred under this Act to a Board may agree in writing, at any time before or after the Board has made its report and recommendation, to be bound by the recommendation of the Board in the same man-

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ner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the Registrar who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the Board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this Act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a Board of Conciliation and Investigation, to be constituted under the provisions of this Act.

(2.) Every agreement to allow such reference shall be forwarded to the Registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a Board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this Act.

(3.) From the time that the parties have been notified in writing by the Registrar that in consequence of their mutual agreement to refer the dispute to a Board under the provisions of this Act, the Minister has decided to refer such dispute, the lockout or strike, if in existence, shall forthwith cease, and the provisions of this Act shall bind the parties.

MISCELLANEOUS.

64. No court of the Dominion of Canada, or of any province or territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a Board, or any testimony or proceedings before a Board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

65. No proceeding under this Act shall be deemed invalid by reason of any defect of form or any technical irregularity.

66. The Minister shall determine the allowance or amounts to be paid to all persons other than the members of a Board, employed by the Government or any Board, including the Registrar, secretaries, clerks, experts, stenographers or other persons performing any services under the provisions of this Act.

67. In case of prosecutions under this Act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the Registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

68. The Governor in Council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this Act. All such regulations shall go into force on the day of the publication thereof in *The Canada Gazette*, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

69. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

70. An annual report with respect to the matters transacted by him under this Act shall be made by the Minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

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9-10 EDWARD VII.—CHAP. 29.

An Act to amend the Industrial Disputes Investigation Act, 1907.

[Assented to 4th May, 1910.]

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 13 of *The Industrial Disputes Investigation Act, 1907*, is amended by adding after the word 'peace' in the third line thereof the words 'or other person authorized to administer an oath or affirmation.'

2. Subparagraph (b) of paragraph 2 of section 15 of the said Act is repealed and the following is substituted therefor:—

'(b) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the application is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee setting forth that, failing an adjustment of the dispute or a reference thereof by the Minister to a Board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.'

3. Paragraph (3) of section 16 of the said Act is amended by adding at the end thereof the following: 'or, where a dispute directly affects employees in more than one province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee.'

4. Section 51 of the said Act is repealed and the following is substituted therefore:—

'51. The members of a Board shall be remunerated for their services as follows:—

'(a) to members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the Board;

'(b) to each member of the Board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the Board and for each day necessarily engaged in travelling from or to his place of residence to attend or after attending a meeting of the Board.'

5. Section 57 of the said Act is amended as follows: by striking out of the third and fourth lines thereof the words 'and in every case where a dispute has been referred to a Board' and substituting therefor the words 'and in the event of such intended change resulting in a dispute;' by substituting the word 'a' for the word 'the' before the word 'Board' in the fifth line thereof; and by striking out the words 'nor the employees' in the sixth line thereof.

